

**INVESTIGATION OF WHITEWATER
DEVELOPMENT CORPORATION
AND RELATED MATTERS**

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Investigation of Whitewater Develop...

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**SPECIAL COMMITTEE TO INVESTIGATE
WHITEWATER DEVELOPMENT CORPORATION
AND RELATED MATTERS**

ADMINISTERED BY THE

**COMMITTEE ON
BANKING, HOUSING, AND URBAN AFFAIRS
UNITED STATES SENATE
ONE HUNDRED FOURTH CONGRESS**

FIRST SESSION

VOLUME III

ON

**THE INQUIRY INTO WHETHER IMPROPER CONDUCT
OCCURRED REGARDING THE WAY IN WHICH
WHITE HOUSE OFFICIALS HANDLED DOCUMENTS
IN THE OFFICE OF WHITE HOUSE DEPUTY COUNSEL
VINCENT W. FOSTER, JR., FOLLOWING HIS DEATH**

JUNE 19, 20, 21, 22, 23, 26, AND 27, 1995

Printed for the use of the Committee on Banking, Housing, and Urban Affairs

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**INVESTIGATION OF WHITEWATER
DEVELOPMENT CORPORATION
AND RELATED MATTERS**

DEPOSITIONS

BEFORE THE

**SPECIAL COMMITTEE TO INVESTIGATE
WHITEWATER DEVELOPMENT CORPORATION
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BANKING, HOUSING, AND URBAN AFFAIRS

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WASHINGTON : 1997

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DEVELOPMENT CORPORATION AND RELATED MATTERS

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104TH CONGRESS
1ST SESSION

S. RES. 120

Establishing a special committee administered by the Committee on Banking, Housing, and Urban Affairs to conduct an investigation involving Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, Capital Management Services, Inc., the Arkansas Development Finance Authority, and other related matters.

IN THE SENATE OF THE UNITED STATES

MAY 17 (legislative day, MAY 15), 1995

Mr. D'AMATO (for himself and Mr. DOLE) submitted the following resolution;
which was considered and agreed to

RESOLUTION

Establishing a special committee administered by the Committee on Banking, Housing, and Urban Affairs to conduct an investigation involving Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, Capital Management Services, Inc., the Arkansas Development Finance Authority, and other related matters.

1 *Resolved,*

2 **SECTION 1. ESTABLISHMENT OF SPECIAL COMMITTEE.**

3 (a) **ESTABLISHMENT.**—There is established a special
4 committee administered by the Committee on Banking,
5 Housing, and Urban Affairs to be known as the “Special

1 Committee to Investigate Whitewater Development Cor-
2 poration and Related Matters" (hereafter in this resolu-
3 tion referred to as the "special committee").

4 (b) PURPOSES.—The purposes of the special commit-
5 tee are—

6 (1) to conduct an investigation and public hear-
7 ings into, and study of, whether improper conduct
8 occurred regarding the way in which White House
9 officials handled documents in the office of White
10 House Deputy Counsel Vincent Foster following his
11 death;

12 (2) to conduct an investigation and public hear-
13 ings into, and study of, the following matters devel-
14 oped during, or arising out of, the investigation and
15 public hearings concluded by the Committee on
16 Banking, Housing, and Urban Affairs prior to the
17 adoption of this resolution—

18 (A) whether any person has improperly
19 handled confidential Resolution Trust Corpora-
20 tion (hereafter in this resolution referred to as
21 the "RTC") information relating to Madison
22 Guaranty Savings and Loan Association or
23 Whitewater Development Corporation, including
24 whether any person has improperly commu-

1 nicated such information to individuals ref-
2 erenced therein;

3 (B) whether the White House has engaged
4 in improper contacts with any other agency or
5 department in the Government with regard to
6 confidential RTC information relating to Madi-
7 son Guaranty Savings and Loan Association or
8 Whitewater Development Corporation;

9 (C) whether the Department of Justice has
10 improperly handled RTC criminal referrals re-
11 lating to Madison Guaranty Savings and Loan
12 Association or Whitewater Development Cor-
13 poration;

14 (D) whether RTC employees have been im-
15 properly importuned, prevented, restrained, or
16 deterred in conducting investigations or making
17 enforcement recommendations relating to Madi-
18 son Guaranty Savings and Loan Association or
19 Whitewater Development Corporation; and

20 (E) whether the report issued by the Office
21 of Government Ethics on July 31, 1994, or re-
22 lated transcripts of deposition testimony—

23 (i) were improperly released to White
24 House officials or others prior to their tes-
25 timony before the Committee on Banking,

1 Housing, and Urban Affairs pursuant to
2 Senate Resolution 229 (103d Congress); or
3 (ii) were used to communicate to
4 White House officials or to others con-
5 fidential RTC information relating to
6 Madison Guaranty Savings and Loan As-
7 sociation or Whitewater Development Cor-
8 poration;

9 (3) to conduct an investigation and public hear-
10 ings into, and study of, all matters that have any
11 tendency to reveal the full facts about—

12 (A) the operations, solvency, and regula-
13 tion of Madison Guaranty Savings and Loan
14 Association, and any subsidiary, affiliate, or
15 other entity owned or controlled by Madison
16 Guaranty Savings and Loan Association;

17 (B) the activities, investments, and tax li-
18 ability of Whitewater Development Corporation
19 and, as related to Whitewater Development
20 Corporation, of its officers, directors, and
21 shareholders;

22 (C) the policies and practices of the RTC
23 and the Federal banking agencies (as that term
24 is defined in section 3 of the Federal Deposit
25 Insurance Act) regarding the legal representa-

tion of such agencies with respect to Madison
Guaranty Savings and Loan Association;

(D) the handling by the RTC, the Office of
Thrift Supervision, the Federal Deposit Insur-
ance Corporation, and the Federal Savings and
Loan Insurance Corporation of civil or adminis-
trative actions against parties regarding Madi-
son Guaranty Savings and Loan Association;

(E) the sources of funding and the lending
practices of Capital Management Services, Inc.,
and its supervision and regulation by the Small
Business Administration, including any alleged
diversion of funds to Whitewater Development
Corporation;

(F) the bond underwriting contracts be-
tween Arkansas Development Finance Author-
ity and Lasater & Company; and

(G) the lending activities of Perry County
Bank, Perryville, Arkansas, in connection with
the 1990 Arkansas gubernatorial election;

(4) to make such findings of fact as are war-
ranted and appropriate;

(5) to make such recommendations, including
recommendations for legislative, administrative, or

1 other actions, as the special committee may deter-
2 mine to be necessary or desirable; and

3 (6) to fulfill the constitutional oversight and in-
4 formational functions of the Congress with respect
5 to the matters described in this section.

6 **SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL**
7 **COMMITTEE.**

8 (a) **MEMBERSHIP.—**

9 (1) **IN GENERAL.—**The special committee shall
10 consist of—

11 (A) the members of the Committee on
12 Banking, Housing, and Urban Affairs; and

13 (B) the chairman and ranking member of
14 the Committee on the Judiciary, or their des-
15 ignees from the Committee on the Judiciary.

16 (2) **SENATE RULE XXV.—**For the purpose of
17 paragraph 4 of rule XXV of the Standing Rules of
18 the Senate, service of a Senator as the chairman or
19 other member of the special committee shall not be
20 taken into account.

21 (b) **ORGANIZATION OF SPECIAL COMMITTEE.—**

22 (1) **CHAIRMAN.—**The chairman of the Commit-
23 tee on Banking, Housing, and Urban Affairs shall
24 serve as the chairman of the special committee

(hereafter in this resolution referred to as the "chairman").

(2) RANKING MEMBER.—The ranking member of the Committee on Banking, Housing, and Urban Affairs shall serve as the ranking member of the special committee (hereafter in this resolution referred to as the "ranking member").

(3) QUORUM.—A majority of the members of the special committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate. A majority of the members of the special committee, or one-third of the members of the special committee if at least one member of the minority party is present, shall constitute a quorum for the conduct of other business. One member of the special committee shall constitute a quorum for the purpose of taking testimony.

(c) RULES AND PROCEDURES.—Except as otherwise specifically provided in this resolution, the special committee's investigation, study, and hearings shall be governed by the Standing Rules of the Senate and the Rules of Procedure of the Committee on Banking, Housing, and Urban Affairs. The special committee may adopt additional rules or procedures not inconsistent with this resolution or the Standing Rules of the Senate if the chairman and ranking

1 member agree that such additional rules or procedures are
2 necessary to enable the special committee to conduct the
3 investigation, study, and hearings authorized by this reso-
4 lution. Any such additional rules and procedures shall be-
5 come effective upon publication in the Congressional
6 Record.

7 **SEC. 3. STAFF OF THE SPECIAL COMMITTEE.**

8 (a) **APPOINTMENTS.**—To assist the special committee
9 in the investigation, study, and hearings authorized by this
10 resolution, the chairman and the ranking member each
11 may appoint special committee staff, including consult-
12 ants.

13 (b) **ASSISTANCE FROM THE SENATE LEGAL COUN-**
14 **SEL.**—To assist the special committee in the investigation,
15 study, and hearings authorized by this resolution, the Sen-
16 ate Legal Counsel and the Deputy Senate Legal Counsel
17 shall work with and under the jurisdiction and authority
18 of the special committee.

19 (c) **ASSISTANCE FROM THE COMPTROLLER GEN-**
20 **ERAL.**—The Comptroller General of the United States is
21 requested to provide from the General Accounting Office
22 whatever personnel or other appropriate assistance as may
23 be required by the special committee, or by the chairman
24 or the ranking member.

1 SEC. 4. PUBLIC ACTIVITIES OF THE SPECIAL COMMITTEE.

2 (a) IN GENERAL.—Consistent with the rights of per-
3 sons subject to investigation and inquiry, the special com-
4 mittee shall make every effort to fulfill the right of the
5 public and the Congress to know the essential facts and
6 implications of the activities of officials of the United
7 States Government and other persons and entities with re-
8 spect to the matters under investigation and study, as de-
9 scribed in section 1.

10 (b) DUTIES.—In furtherance of the right of the pub-
11 lic and the Congress to know, the special committee—

12 (1) shall hold, as the chairman (in consultation
13 with the ranking member) considers appropriate and
14 in accordance with paragraph 5(b) of rule XXVI of
15 the Standing Rules of the Senate, hearings on spe-
16 cific subjects, subject to consultation and coordina-
17 tion with the independent counsel appointed pursu-
18 ant to chapter 40 of title 28, United States Code,
19 in Division No. 94-1 (D.C. Cir. August 5, 1994)
20 (hereafter in this resolution referred to as “the inde-
21 pendent counsel”);

22 (2) may make interim reports to the Senate as
23 it considers appropriate; and

24 (3) shall make a final comprehensive public re-
25 port to the Senate which contains—

(A) a description of all relevant factual determinations; and

(B) recommendations for legislation, if necessary.

SEC. 5. POWERS OF THE SPECIAL COMMITTEE.

(a) IN GENERAL.—The special committee shall do everything necessary and appropriate under the laws and the Constitution of the United States to conduct the investigation, study, and hearings authorized by section 1.

(b) EXERCISE OF AUTHORITY.—The special committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978, including the following:

(1) SUBPOENA POWERS.—To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the special committee. A subpoena or order may be authorized by the special committee or by the chairman with the agreement of the ranking member, and may be issued by the chairman or any other member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or outside of the borders of the

1 United States to the full extent permitted by law.

2 The chairman, or any other member of the special
3 committee, is authorized to administer oaths to any
4 witnesses appearing before the special committee. If
5 a return on a subpoena or order for the production
6 of documentary or physical evidence is incomplete or
7 accompanied by an objection, the chairman (in con-
8 sultation with the ranking member) may convene a
9 meeting or hearing to determine the adequacy of the
10 return and to rule on the objection. At a meeting or
11 hearing on such a return, one member of the special
12 committee shall constitute a quorum. The special
13 committee shall not initiate procedures leading to
14 civil or criminal enforcement of a subpoena unless
15 the person or entity to whom the subpoena is di-
16 rected refuses to produce the required documentary
17 or physical evidence after having been ordered and
18 directed to do so.

19 (2) COMPENSATION AUTHORITY.—To employ
20 and fix the compensation of such clerical, investiga-
21 tory, legal, technical, and other assistants as the
22 special committee, or the chairman or the ranking
23 member, considers necessary or appropriate.

1 (3) MEETINGS.—To sit and act at any time or
2 place during sessions, recesses, and adjournment pe-
3 riods of the Senate.

4 (4) HEARINGS.—To hold hearings, take testi-
5 mony under oath, and receive documentary or phys-
6 ical evidence relating to the matters and questions it
7 is authorized to investigate or study. Unless the
8 chairman and the ranking member otherwise agree,
9 the questioning of a witness or a panel of witnesses
10 at a hearing shall be limited to one initial 30-minute
11 turn each for the chairman and the ranking mem-
12 ber, or their designees, including majority and mi-
13 nority staff, and thereafter to 10-minute turns by
14 each member of the special committee if 5 or more
15 members are present, and to 15-minute turns by
16 each member of the special committee if fewer than
17 5 members are present. A member may be permitted
18 further questions of the witness or panel of wit-
19 nesses, either by using time that another member
20 then present at the hearing has yielded for that pur-
21 pose during the yielding member's turn, or by using
22 time allotted after all members have been given an
23 opportunity to question the witness or panel of wit-
24 nesses. At all times, unless the chairman and the
25 ranking member otherwise agree, the questioning

1 shall alternate back and forth between members of
2 the majority party and members of the minority
3 party. In their discretion, the chairman and the
4 ranking member, respectively, may designate major-
5 ity or minority staff to question a witness or a panel
6 of witnesses at a hearing during time yielded by a
7 member of the chairman's or the ranking member's
8 party then present at the hearing for his or her
9 turn.

10 (5) TESTIMONY OF WITNESSES.—To require by
11 subpoena or order the attendance, as a witness be-
12 fore the special committee or at a deposition, of any
13 person who may have knowledge or information con-
14 cerning any of the matters that the special commit-
15 tee is authorized to investigate and study.

16 (6) IMMUNITY.—To grant a witness immunity
17 under sections 6002 and 6005 of title 18, United
18 States Code, provided that the independent counsel
19 has not informed the special committee in writing
20 that immunizing the witness would interfere with the
21 ability of the independent counsel successfully to
22 prosecute criminal violations. Not later than 10 days
23 before the special committee seeks a Federal court
24 order for a grant of immunity by the special commit-
25 tee, the Senate Legal Counsel shall cause to be de-

1 livered to the independent counsel a written request
2 asking the independent counsel promptly to inform
3 the special committee in writing if, in the judgment
4 of the independent counsel, the grant of immunity
5 would interfere with the ability of the independent
6 counsel successfully to prosecute criminal violations.
7 The Senate Legal Counsel's written request of the
8 independent counsel required by this paragraph shall
9 be in addition to all notice requirements set forth in
10 sections 6002 and 6005 of title 18, United States
11 Code.

12 (7) DEPOSITIONS.—To take depositions and
13 other testimony under oath anywhere within the
14 United States, to issue orders that require witnesses
15 to answer written interrogatories under oath, and to
16 make application for the issuance of letters rogatory.
17 All depositions shall be conducted jointly by majority
18 and minority staff of the special committee. A wit-
19 ness at a deposition shall be examined upon oath ad-
20 ministered by a member of the special committee or
21 an individual authorized by local law to administer
22 oaths, and a complete transcription or electronic re-
23 cording of the deposition shall be made. Questions
24 shall be propounded first by majority staff of the
25 special committee and then by minority staff of the

special committee. Any subsequent round of questioning shall proceed in the same order. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer on the basis of relevance or privilege, the special committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling on the objection from the chairman. If the chairman overrules the objection, the chairman may order and direct the witness to answer the question, but the special committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to answer after having been ordered and directed to answer.

(8) DELEGATIONS TO STAFF.—To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The special committee, or the chairman with the concurrence of the ranking member, may delegate to designated staff members of the special committee the power to issue deposition notices authorized pursuant to this paragraph.

(9) INFORMATION FROM OTHER SOURCES.—To require by subpoena or order—

(A) any department, agency, entity, officer,
or employee of the United States Government;

(B) any person or entity purporting to act
under color or authority of State or local law;
or

(C) any private person, firm, corporation,
partnership, or other organization;

to produce for consideration by the special committee or for use as evidence in the investigation, study, or hearings of the special committee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions that the special committee is authorized to investigate and study which any such person or entity may possess or control.

(10) RECOMMENDATIONS TO THE SENATE.—To make to the Senate any recommendations, by report or resolution, including recommendations for criminal or civil enforcement, which the special committee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or

1 to answer interrogatories, in compliance with a
2 subpoena or order;

3 (B) the willful failure or refusal of any
4 person to answer questions or give testimony
5 during the appearance of that person as a wit-
6 ness before the special committee, or at a depo-
7 sition, or in response to interrogatories; or

8 (C) the willful failure or refusal of—

9 (i) any officer or employee of the
10 United States Government;

11 (ii) any person or entity purporting to
12 act under color or authority of State or
13 local law; or

14 (iii) any private person, partnership,
15 firm, corporation, or organization;

16 to produce before the special committee, or at
17 a deposition, or at any time or place designated
18 by the committee, any book, check, canceled
19 check, correspondence, communication, docu-
20 ment, financial record, paper, physical evidence,
21 photograph, record, recording, tape, or any
22 other material in compliance with any subpoena
23 or order.

1 (11) CONSULTANTS.—To procure the tem-
2 porary or intermittent services of individual consult-
3 ants, or organizations thereof.

4 (12) OTHER GOVERNMENT PERSONNEL.—To
5 use, on a reimbursable basis and with the prior con-
6 sent of the Government department or agency con-
7 cerned, the services of the personnel of such depart-
8 ment or agency.

9 (13) OTHER CONGRESSIONAL STAFF.—To use,
10 with the prior consent of any member of the Senate
11 or the chairman or the ranking member of any other
12 Senate committee or the chairman or ranking mem-
13 ber of any subcommittee of any committee of the
14 Senate, the facilities or services of the appropriate
15 members of the staff of such member of the Senate
16 or other Senate committee or subcommittee, when-
17 ever the special committee or the chairman or the
18 ranking member considers that such action is nec-
19 essary or appropriate to enable the special commit-
20 tee to conduct the investigation, study, and hearings
21 authorized by this resolution.

22 (14) ACCESS TO INFORMATION AND EVI-
23 DENCE.—To permit any members of the special
24 committee, staff director, counsel, or other staff
25 members or consultants designated by the chairman

1 or the ranking member, access to any data, evidence,
2 information, report, analysis, document, or paper—

3 (A) that relates to any of the matters or
4 questions that the special committee is author-
5 ized to investigate or study under this resolu-
6 tion;

7 (B) that is in the custody or under the
8 control of any department, agency, entity, offi-
9 cer, or employee of the United States Govern-
10 ment, including those which have the power
11 under the laws of the United States to inves-
12 tigate any alleged criminal activities or to pros-
13 ecute persons charged with crimes against the
14 United States without regard to the jurisdiction
15 or authority of any other Senate committee or
16 subcommittee; and

17 (C) that will assist the special committee
18 to prepare for or conduct the investigation,
19 study, and hearings authorized by this resolu-
20 tion.

21 (15) REPORTS OF VIOLATIONS OF LAW.—To re-
22 port possible violations of any law to appropriate
23 Federal, State, or local authorities.

24 (16) EXPENDITURES.—To expend, to the ex-
25 tent that the special committee determines necessary

1 and appropriate, any money made available to the
2 special committee by the Senate to carry out this
3 resolution.

4 (17) TAX RETURN INFORMATION.—To inspect
5 and receive, in accordance with the procedures set
6 forth in sections 6103(f)(3) and 6104(a)(2) of the
7 Internal Revenue Code of 1986, any tax return or
8 tax return information, held by the Secretary of the
9 Treasury, if access to the particular tax-related in-
10 formation sought is necessary to the ability of the
11 special committee to carry out section 1(b)(3)(B).

12 **SEC. 6. PROTECTION OF CONFIDENTIAL INFORMATION.**

13 (a) NONDISCLOSURE.—No member of the special
14 committee or the staff of the special committee shall dis-
15 close, in whole or in part or by way of summary, to any
16 person other than another member of the special commit-
17 tee or other staff of the special committee, for any purpose
18 or in connection with any proceeding, judicial or otherwise,
19 any testimony taken, including the names of witnesses tes-
20 tifying, or material presented, in depositions or at closed
21 hearings, or any confidential materials or information, un-
22 less authorized by the special committee or the chairman
23 in concurrence with the ranking member.

24 (b) STAFF NONDISCLOSURE AGREEMENT.—All mem-
25 bers of the staff of the special committee with access to

1 confidential information within the control of the special
2 committee shall, as a condition of employment, agree in
3 writing to abide by the conditions of this section and any
4 nondisclosure agreement promulgated by the special com-
5 mittee that is consistent with this section.

6 (c) SANCTIONS.—

7 (1) MEMBER SANCTIONS.—The case of any
8 Senator who violates the security procedures of the
9 special committee may be referred to the Select
10 Committee on Ethics of the Senate for investigation
11 and the imposition of sanctions in accordance with
12 the rules of the Senate.

13 (2) STAFF SANCTIONS.—Any member of the
14 staff of the special committee who violates the secu-
15 rity procedures of the special committee shall imme-
16 diately be subject to removal from office or employ-
17 ment with the special committee or such other sanc-
18 tion as may be provided in any rule issued by the
19 special committee consistent with section 2(c).

20 (d) STAFF DEFINED.—For purposes of this section,
21 the term “staff of the special committee” includes—

22 (1) all employees of the special committee;

23 (2) all staff designated by the members of the
24 special committee to work on special committee busi-
25 ness;

1 (3) all Senate staff assigned to special commit-
2 tee business pursuant to section 5(b)(13);

3 (4) all officers and employees of the Office of
4 Senate Legal Counsel who are requested to work on
5 special committee business; and

6 (5) all detailees and consultants to the special
7 committee.

8 **SEC. 7. RELATION TO OTHER INVESTIGATIONS.**

9 (a) **PURPOSES.**—The purposes of this section are—

10 (1) to expedite the thorough conduct of the in-
11 vestigation, study, and hearings authorized by this
12 resolution;

13 (2) to promote efficiency among all the various
14 investigations underway in all branches of the
15 United States Government; and

16 (3) to engender a high degree of confidence on
17 the part of the public regarding the conduct of such
18 investigation, study, and hearings.

19 (b) **SPECIAL COMMITTEE ACTIONS.**—To carry out
20 the purposes stated in subsection (a), the special commit-
21 tee is encouraged—

22 (1) to obtain relevant information concerning
23 the status of the investigation of the independent
24 counsel, to assist in establishing a hearing schedule
25 for the special committee; and

1 (2) to coordinate, to the extent practicable, the
2 activities of the special committee with the investiga-
3 tion of the independent counsel.

4 **SEC. 8. SALARIES AND EXPENSES.**

5 A sum equal to not more than \$950,000 for the pe-
6 riod beginning on the date of adoption of this resolution
7 and ending on February 29, 1996, shall be made available
8 from the contingent fund of the Senate out of the Account
9 for Expenses for Inquiries and Investigations for payment
10 of salaries and other expenses of the special committee
11 under this resolution, which shall include not more than
12 \$750,000 for the procurement of the services of individual
13 consultants or organizations thereof, in accordance with
14 section 5(b)(11). Payment of expenses shall be disbursed
15 upon vouchers approved by the chairman, except that
16 vouchers shall not be required for the disbursement of sal-
17 aries paid at an annual rate.

18 **SEC. 9. REPORTS; TERMINATION.**

19 (a) **COMPLETION OF DUTIES.—**

20 (1) **IN GENERAL.—**The special committee shall
21 make every reasonable effort to complete, not later
22 than February 1, 1996, the investigation, study, and
23 hearings authorized by section 1.

24 (2) **EVALUATION OF PROGRESS.—**The special
25 committee shall evaluate the progress and status of

1 the investigation, study, and hearings authorized by
2 section 1 and, not later than January 15, 1996,
3 make recommendations with respect to the author-
4 ization of additional funds for a period following
5 February 29, 1996. If the special committee re-
6 quests the authorization of additional funds for a pe-
7 riod following February 29, 1996, the Majority
8 Leader and the Democratic Leader shall meet and
9 determine the appropriate timetable and procedures
10 for the Senate to vote on any such request.

11 (b) FINAL REPORT.—

12 (1) SUBMISSION.—The special committee shall
13 promptly submit a final public report to the Senate
14 of the results of the investigation, study, and hear-
15 ings conducted by the special committee pursuant to
16 this resolution, together with its findings and any
17 recommendations.

18 (2) CONFIDENTIAL INFORMATION.—The final
19 report of the special committee may be accompanied
20 by such confidential annexes as are necessary to pro-
21 tect confidential information.

22 (3) CONCLUSION OF BUSINESS.—After submis-
23 sion of its final report, the special committee shall
24 promptly conclude its business and close out its af-
25 fairs.

1 (c) RECORDS.—Upon the conclusion of the special
2 committee's business and the closing out of its affairs, all
3 records, files, documents, and other materials in the pos-
4 session, custody, or control of the special committee shall
5 remain under the control of the Committee on Banking,
6 Housing, and Urban Affairs.

7 **SEC. 10. COMMITTEE JURISDICTION AND RULE XXV.**

8 The jurisdiction of the special committee is granted
9 pursuant to this resolution, notwithstanding the provisions
10 of paragraph 1 of rule XXV of the Standing Rules of the
11 Senate relating to the jurisdiction of the standing commit-
12 tees of the Senate.

○

**DEPOSITION OF CHERYL A. BRAUN
IN RE: S. RES. 120**

MONDAY, JUNE 19, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of CHERYL A. BRAUN, called for examination pursuant to notice of deposition, at 10:00 a.m. in Room 534 of the Dirksen Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

ROBERT J. GIUFFRA, JR., Esq.
Majority Chief Counsel
GLENN F. IVEY, Esq.
Minority Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

STEPHANIE LYNCH, Esq.
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, NW, Mail Stop 6531
Washington, DC 20240
On behalf of the Deponent.

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EXHIBITS

Cheryl A. Braun DEPOSITION NUMBER	IDENTIFIED
Exhibit OIC 261	12, 94
Exhibit Z 652	45, 99

P R O C E E D I N G S

MR. GIUFFRA: Sergeant Braun, I'm Robert Giuffra. I'm the chief counsel of the Senate Banking Committee. To my left is Glenn Ivey, who's Democratic counsel. This deposition is conducted pursuant to Senate Resolution 120.

This resolution establishes a special committee administered by the Banking Committee to conduct an investigation involving Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, Capital Management Services, Inc., the Arkansas Development Finance Authority and other related matters.

Section 1.B.1 of Senate Resolution 120 authorizes an investigation of public hearings into whether improper conduct occurred regarding the way in which White House officials handled documents in the office of Deputy Counsel Vincent Foster following his death. The focus of today's deposition will be that subject matter, the handling of the documents in Mr. Foster's office. You were requested to testify orally on June 13th, and then we sent a letter to

Ms. Lynch on the 14th. I believe you previously testified on July 23, 1994, and you also testified at hearings on July 29, 1994 that were held in the full Banking Committee.

This deposition is in advance of public hearings in July and it's likely that you'll be asked to testify at those public hearings in July. I will be asking first a series of questions and then Glenn will be doing questions about the subject of section 1.B.1 of Senate Resolution 120.

You'll be testifying under oath. If you don't understand a question, please let me know and I will rephrase it. You've done this before, so you pretty much know the drill. If you need a break, let me know. The stenographer will prepare a record of the questions and answers. The deposition will be treated as committee confidential until the commencement of hearings. You have a right to be represented by counsel, and Ms. Lynch, I understand, is representing you today.

If you want to note your appearance for the record.

1 MS. LYNCH: I'm here, for the record.

2 MR. GIUFFRA: Objections to the form of
3 questions will be noted for the record. Counsel may
4 object on the grounds of relevance or privilege. We
5 either may proceed in that case or we may ask the
6 chairman of the Committee, Chairman D'Amato, to rule
7 on the objections that are specified in the
8 procedures of the conduct. The depositions are
9 specified in the Senate resolution and if at any
10 point during the deposition you have any questions
11 about that, I have a copy of the resolution for you.

12 You may review the transcript to mark
13 errors in transcription and we'll give you an
14 opportunity to do that. Any questions?

15 THE WITNESS: No.

16 MR. GIUFFRA: Would you please swear the
17 witness.

18 Whereupon,

19 CHERYL A. BRAUN

20 was called as a witness and, having first been duly
21 sworn, was examined and testified as follows:

22 EXAMINATION

1 BY MR. GIUFFRA:

2 Q Sergeant Braun, would you please state your
3 name for the record.

4 A It's Cheryl A. Braun.

5 Q And the spelling of your name.

6 A B-r-a-u-n.

7

8

9

10

11 Q And your present business address.

12 A It's 1100 Ohio Drive, Southwest,
13 Washington, D.C. 20242.

14 Q And your present position?

15 A I am a sergeant in the central district of
16 the United States Park Police.

17 Q Could you just briefly describe your
18 employment history going backwards.

19 A I am currently assigned to the central
20 district. I've been there since October of this
21 year. I am a squad sergeant and have currently --
22 recently been assigned as the White House liaison.

1 Prior to that --

2 Q What does that job entail?

3 A It's to facilitate better communications
4 between the uniform division of the Secret Service,
5 Park Police, National Park Service and Secret
6 Service.

7 Q How did you get that position?

8 A It was recently created prior to them
9 closing Pennsylvania Avenue.

10 Q Did you apply for the position?

11 A It was opened up to the sergeants in the
12 station. They asked the other sergeant on my squad
13 if she wanted it. She said no, and then it was
14 offered to me.

15 Q Who offered you the position?

16 A It was offered from the chief's office.

17 Q And that would be Chief Langston?

18 A Right.

19 Q And then prior to that position as White
20 House liaison?

21 A I was the squad sergeant, and I still am
22 squad sergeant. That's, in kind of a way a

8

1 collateral assignment. I'm presently squad sergeant
2 for A squad down in central district, which I think
3 we have 16 people on the squad right now.

4 Q And they report to you?

5 A Right.

6 Q And then prior to that?

7 A Prior to that I was assigned to the crime
8 violence task force in the District. We worked with
9 Metropolitan Police Department in the 5D area
10 patrolling the streets of Washington, D.C.

11 Q And when did you leave that position?

12 A That was from May of 1994 through October
13 of 1994.

14 Q And then prior to that what was your
15 position?

16 A Prior to that I was a relief sergeant at
17 the Greenbelt station on the Baltimore/Washington
18 Parkway.

19 Q What is a relief sergeant?

20 A A relief sergeant fills in when a squad
21 sergeant is on their days off.

22 Q And when did you hold that position?

1 A I held that from August of '93 until May of
2 '94.

3 Q And then prior to that what was your
4 position?

5 A I was assigned in the criminal
6 investigations branch, and that was from January of
7 '92 through August of '93.

8 Q That was your position on July 20, 1993,
9 which is the date that's relevant here?

10 A Correct.

11 Q Prior to being in the criminal
12 investigations branch, what position did you hold?

13 A I was a street officer assigned to the
14 Baltimore/Washington Parkway.

15 Q And when was that?

16 A That was from August of 1985 through
17 January of 1992.

18 Q And prior to that were you also in the Park
19 Police, or was that your first position?

20 A That was my first position.

21 Q You joined the Park Police in August of
22 '85?

10

1 A Correct.

2 Q Are you aware of the Committee's document
3 request dated May 26, 1995 to Chief Langston?

4 A No.

5 Q I'll just give you a copy of it. Why don't
6 you take a second and read it.

7 A Have you seen this?

8 MS. LYNCH: Yes.

9 BY MR. GIUFFRA:

10 Q Are you aware of any documents that you
11 might have prepared that might be responsive to this
12 request?

13 A No.

14 Q Did you -- in the course of your duties on
15 July 20th, 1993, did you prepare any reports?

16 A Yeah, I did a follow-up investigative
17 report which was kept in the case jacket at the
18 criminal investigation unit.

19 Q Is that the only document you prepared on
20 that date with regard to the events in question?

21 A That's correct.

22 Q That's been turned over to counsel for the

1 Park Police?

2 A Yes.

3 Q And you're not aware of any other documents
4 that you might have prepared?

5 A No.

6 MR. GIUFFRA: Maybe if we could confirm to
7 the extent there may be any documents -- that report,
8 I guess it was turned over last time and produced to
9 the Committee.

10 MS. LYNCH: Correct. And then copies of
11 certain documents that were turned over last summer
12 have again been turned over.

13 MR. GIUFFRA: To the extent that Sergeant
14 Braun might have prepared anything that might be
15 relevant to this document request, we would have it
16 already?

17 MS. LYNCH: That's true.

18 BY MR. GIUFFRA:

19 Q Did you speak to anyone prior to this
20 deposition --

21 A I met with --

22 Q -- other than your counsel?

1 A -- Stephanie.

2 Q Other than in Congressional hearings or
3 depositions or in a grand jury, have you spoken to
4 anyone about the investigation into Vincent Foster's
5 death?

6 A No, I haven't.

7 MR. GIUFFRA: This is an FBI 302 that I'm
8 about to hand you, which we should probably mark as
9 Exhibit 1. Let's change that.

10 If it's okay with you, Glenn, we'd like to
11 proceed this way: Have the exhibit number be the
12 Bates number of the documents.

13 MR. IVEY: Sure, that's fine -- you mean
14 the exhibit would be --

15 MR. GIUFFRA: OIC 261.

16 MR. IVEY: Can we go off the record for a
17 second.

18 (Discussion off the record.)

19 MR. GIUFFRA: This would be Exhibit OIC
20 261.

21 (Exhibit OIC 261 identified.)

22 BY MR. GIUFFRA:

1 Q Sergeant Braun, if you could just read
2 through this statement I believe you gave on -- it
3 looks like it was on April 28, 1994.

4 (Witness reviewed document.)

5 Does this report accurately reflect your
6 recollection of events on July 20, 1993 with regard
7 to the Foster death?

8 A Yes, it does, other than maybe what's
9 redacted from it. There seems to be parts of it
10 missing; correct?

11 Q Yes, that's correct. There are redactions
12 on page 4, I believe. But other than those
13 redactions, it accurately reflects it?

14 A Yes.

15 Q Just a couple of questions of a preliminary
16 nature. Since July 20, 1993, have you spoken with
17 anyone at the White House, employed by the White
18 House about the investigation that you conducted on
19 July 20, 1993 into the death of Vincent Foster?

20 A No.

21 Q Have you spoken to any reporters about the
22 investigation into Vincent Foster's death?

1 A No.

2 Q Now, on July 20, 1993, to whom did you
3 report?

4 A Who did I work for?

5 Q Yes, who did you work for?

6 A I worked for Charles Hume, Major Holmes and
7 Captain Hume.

8 Q Major Holmes is different than Major Hines?

9 A Correct, Major Hines is inspectional
10 services. Major Holmes is in charge of criminal
11 investigation branch.

12 Q What does that branch do typically?

13 A Investigates crime.

14 Q Committed on park property?

15 A Right.

16 Q And Captain Hume?

17 A He's the assistant commander of the
18 criminal investigation branch.

19 Q He is the number two person?

20 A Right.

21 Q Did you report to anyone else besides Major
22 Holmes and Captain Hume?

- 1 A I worked for Lieutenant Kass, and Sergeant
2 Manso was my immediate supervisor.
3 Q Lieutenant --
4 A Robert Kass.
5 Q And the other person was?
6 A Sergeant Rachel Manso. That may have been
7 a time period when we were without a lieutenant.
8 Q Did anyone report to you?
9 A I was training Investigator Rolla and
10 Investigator Abt. They didn't report directly to me,
11 but I had the collateral assignment of training them.
12 Q I'm going to very quickly go through the
13 things you previously testified to with extreme speed
14 just to have it on the record. On July 1993 you
15 discovered the body of Vincent Foster in Fort Marcy
16 Park?
17 A I was notified of it.
18 Q And subsequently went and conducted a
19 preliminary investigation?
20 A Right.
21 Q What was your prior experience at that
22 point investigating either homicides or suicides?
-

- 1 Let's do homicides first.
2 A Homicides, I had been to a few seminars and
3 that that was -- I think I handled a stabbing and a
4 suicide and I think that was it prior to that.
5 Q And one suicide?
6 A Uh-huh.
7 Q Let me just ask another question. With
8 regard to the seminars, was there any training at
9 those seminars on the need to seal a crime scene?
10 A Yes.
11 Q Could you just describe what sort of
12 training you might have received?
13 A I went through the Federal Law Enforcement
14 Training Center in Glen Cove, Georgia which -- that
15 was an eight-week school, and that was specifically
16 geared towards criminal investigations. And
17 additionally, I had gone -- when I came on the job --
18 through an 18-week academy down at the Federal Law
19 Enforcement Training Center which also dealt with
20 crime scenes and securing crime scenes at the
21 officer's level.
22 Q Could you go into a little more detail,

1 some of the things that you were trained to do at
2 crime scenes?

3 A Well, as an officer, you're trained to find
4 out what the scene is, contain the scene and then to
5 keep people from entering the scene.

6 Q Why do you want to keep people from
7 entering the scene?

8 A To preserve the scene.

9 Q The risk is that people will enter the
10 scene and disturb evidence?

11 A Right, contaminate it.

12 Q And if contamination of evidence occurs, it
13 makes it, obviously, more difficult to investigate
14 the crime?

15 A Right.

16 Q When you speak of the scene of a crime in a
17 murder case, for example or a suicide, is it
18 typically where the body is found, or can there be
19 other scenes that are relevant?

20 A There can be other scenes that are
21 relevant.

22 Q And when can other scenes be relevant?

1 A Well, in a suicide, the person's home,
2 their office, their car, places where they frequent
3 would be relevant; any place where they would leave
4 information about them, their state of mind, a place
5 for them to leave their note, if they leave a note.

6 Q At the Federal Law Enforcement Training
7 Center, did you receive any training specifically on
8 suicides and sealing crime scenes that you can
9 recall?

10 A Not specifically.

11 Q Would it be, at least -- strike that
12 question.

13 Do officers occasionally seal the home of a
14 victim of a homicide or a suicide to prevent people
15 from taking any papers out, for example, or
16 disrupting evidence?

17 A It depends on the circumstance.

18 Q But that's something that might occur?

19 A It could.

20 Q And they might also seal someone's office?

21 A Correct.

22 Q And as you previously testified, you might

1 want to seal the office, again, to preserve evidence
2 that might be relevant to either the murder or the
3 suicide?

4 A Right.

5 Q And with regard to a suicide, one of the
6 reasons you want to look for evidence is to confirm
7 that it actually was a suicide?

8 A Right.

9 Q Because isn't it the case that with regard
10 to a suicide, there's a violent aspect to it, such as
11 a gun, and you want to be able to eliminate a
12 possible explanation for why a person killed himself
13 or was killed by others?

14 A I'm not sure I understand --

15 Q Let me strike that question. Poorly stated
16 question.

17 Let's go back into the facts here. It may
18 make it easier. You previously testified that you
19 found Vincent Foster's body, there was suspicious
20 circumstances.

21 A Yeah, I'd like you to show me that.

22 Q I'm showing you pages 10 and 11 of your

20

1 deposition dated July 20, 1994. I believe when you
2 first got to the scene, you spoke to an Officer
3 Fornshill; is that correct?

4 A No, I believe I talked to Officer Ferstle.
5 Fornshill was already gone. Now that I know the
6 context in which you're talking about suspicious.

7 Q Do you want to just --

8 A That was Fornshill that I was talking to on
9 the radio, and it wasn't at the scene. And that's
10 what I was trying to determine, what kind of a scene
11 we had, whether it was a natural death or suspicious
12 in that it wasn't natural -- it wasn't caused by
13 natural means.

14 Q And a natural death might be, for example,
15 I think you testified to that previously, a homeless
16 person who is just found dead in a park, for example?

17 A Right, like a heart attack or something
18 like that.

19 Q And what would be a suspicious death? Are
20 those terms of art in the Park Police?

21 A Yes.

22 Q What would be a suspicious death?

1 A Well, by that, I meant was it like a
2 suicide or did we have a stabbing or something that
3 was going to require me having other people respond,
4 like identification technicians and things like that,
5 and what kind of a crime scene we were going to need
6 to have preserved.

7 Q Typically, a suicide is treated as a
8 suspicious death until you can rule out that it was
9 not caused by some other means?

10 A Correct.

11 Q And so in a case of a natural death, you
12 don't really need to seal off a crime scene or bring
13 in other people?

14 A Well, you're still going to need to bring
15 in some other people, but the amount of people that
16 you would need to bring in wouldn't necessarily be as
17 great. Plus, generally, your crime scene is not
18 going to be of the magnitude also. It's going to be
19 more contained.

20 Q Now, I believe at some point on July 20th
21 you discovered some White House credentials in a car?

22 A That's correct.

1 Q And did that change the notification
2 procedure that you undertook?

3 A Yes.

4 Q And how did it change the notification
5 procedure?

6 A That meant that I notified the lieutenant
7 that we had White House persons involved. And then
8 that meant that a page went out that our officials
9 were aware -- made aware that we were investigating
10 something that was going to be getting a lot of
11 publicity.

12 Q And, presumably, if you're going to be
13 getting a lot of publicity, you take stricter
14 procedures. You will really try to follow Park
15 Police procedures to the letter?

16 A Uh-huh.

17 Q Do you have any prior experience
18 investigating -- any prior experience with
19 investigations involving high-level government
20 officials?

21 A No.

22 Q Now, you sealed the body -- you sealed the

1 area where the body was found?

2 A Right.

3 Q Did you put up police tape or something
4 around it?

5 A We closed the gate to the park area.

6 Q You closed the entire park?

7 A Right.

8 Q Was any consideration given at that
9 point -- and that would be about 6:00 or 7:00 in the
10 evening -- to sealing Mr. Foster's office?

11 A I didn't know who he was at that point.

12 Q Then I believe you went to the hospital; is
13 that correct?

14 A That's correct.

15 Q And you went to the hospital -- did you
16 pick up anyone or did you just go to the hospital
17 with the body?

18 A John and I went to the hospital after the
19 body had been transported to the hospital.

20 Q Did anyone go with you to the hospital?

21 A Just John and I.

22 Q At the hospital I believe you met someone

24

1 by the name of Kennedy?

2 A No, we spoke to them on the telephone.

3 Q You spoke to them on the telephone?

4 A Right.

5 Q Or Mr. Livingston?

6 A John talked to, I believe, it was Kennedy,
7 but you're going to have to check with John.

8 Q They were not present at the same time you
9 were present at the hospital?

10 A No, they were not.

11 Q Do you know whether -- although that point,
12 were you told who the decedent was?

13 A Yes, at that point we knew he was deputy
14 counsel.

15 Q Was there any discussion amongst
16 yourselves, with anyone in the Park Police or with
17 anyone from the White House on the need to seal
18 Foster's office at that point?

19 A At that point, no.

20 Q Did there come a time when you ever asked
21 either Kennedy or Livingston to seal Foster's office
22 at the White House?

1 A I asked David Watkins to do it.
2 Q Anyone else?
3 A No.
4 Q Did you discuss -- this is at the hospital,
5 because I want to go through this fairly slowly.
6 A We were not at the hospital very long.
7 Long enough to get the keys out of his pants pocket.
8 Q That would be for the car?
9 A Right.
10 Q That's because you wanted to move the car?
11 A We went ahead and loaded the car onto the
12 flatbed without the keys.
13 Q Let me ask a question about that. Was the
14 car evidence of a potential either homicide or
15 suicide, so it was relevant evidence for you?
16 A Right.
17 Q So you would impound the car?
18 A Right.
19 Q You might need to fingerprint the car if it
20 ever got to that point?
21 A If we felt something made it seem
22 suspicious.

1 Q And that would be standard procedure?
2 A Right.
3 Q Let me ask a question. Are there any Park
4 Police manuals on sealing crime scenes?
5 A There weren't at the time.
6 Q Are there now?
7 A They have done some kind of a guideline on
8 handling different types of crime scenes.
9 Q And that's something that's been done since
10 then?
11 A Since that time.
12 Q Do you know why those guidelines were put
13 in place?
14 A No, I don't.
15 MR. GIUFFRA: That might be something we
16 might want to get a copy of, if possible.
17 MR. IVEY: We've got that.
18 MR. GIUFFRA: Oh, we have it?
19 MR. IVEY: Yes.
20 BY MR. GIUFFRA:
21 Q I'm new to this. I believe the next thing
22 you did was you received a phone call from your shift

1 commander that you should contact David Watkins?

2 A Right. That was when we were going to the
3 hospital.

4 Q On the way to the hospital. And did your
5 shift commander say who David Watkins was?

6 A He said he worked in the counsel's office
7 with Foster and that he was also a friend of the
8 family.

9 Q Did he say anything else?

10 A Not that I recall.

11 Q And you were given Watkins's telephone
12 number or beeper number?

13 A Phone number.

14 Q And you then called Watkins as you were
15 driving to the hospital?

16 A Rolla did. I was driving.

17 Q And do you know what that conversation was?

18 A Basically it was his requesting to do the
19 notification with us since he was a friend of the
20 family and us agreeing and getting directions to pick
21 him up.

22 Q Did you assume that he was an important

1 person at the White House at that point?

2 A Uh-huh.

3 Q What led you to believe that he was an
4 important person at the White House?

5 A Well, when they told me he was in the
6 deputy counsel -- he was the deputy counsel.

7 Q You were told he was the deputy counsel?

8 A Right.

9 Q And you believed he worked in the White
10 House counsel's office?

11 A Yes. David Watkins? Yes.

12 Q Did he say anything to you that made you
13 believe that he worked in the White House counsel's
14 office?

15 A I don't remember. I know he gave me his
16 card, which I don't have -- it was in the file --
17 which I imagine that had information on it.

18 Q So you got a copy of his business card?

19 A Right. He gave it to us.

20 Q And I believe this is in the record. You
21 picked him up at his Georgetown home?

22 A Correct.

1 Q And then you drove to the Foster home,
2 which is relatively close to Watkins's home?

3 A Correct.

4 Q About what time was this?

5 A Somewhere around 10:00.

6 Q Did you discuss -- and I want to go through
7 this very slowly because it's sort of the crux of why
8 you're here for this deposition. Did you discuss the
9 need to seal the office during the car ride from
10 Watkins's house to Foster's house?

11 A No.

12 Q You previously have testified that you
13 arrived at the Foster home, and I believe it was
14 Officer Rolla who then told Mrs. Foster that her
15 husband was dead?

16 A Right.

17 Q Let me just go back for a second. Did you
18 have any other -- at that point, up to the point of
19 the notification itself, any other communications
20 with anyone at Park Police headquarters on the need
21 to seal the office?

22 A No.

1 Q Now, you've previously testified that it
2 was a chaotic situation at the Foster home.

3 A That's correct.

4 Q Do you recall specifically who was present?

5 A Well, of course, there was Investigator
6 Rolla and myself and Laura Foster and Mrs. Foster and
7 Web Hubbell, David Watkins and his wife,
8 Mrs. Watkins. I don't know what her first name is.
9 I'm told Sheila Anthony.

10 Q Who told you that?

11 A Well, John Rolla and I --

12 Q Subsequently compared notes?

13 A Well, yeah, when we did our reports that
14 evening. And I don't know anybody else's names who
15 were there.

16 Q Do you recall whether there were a lot of
17 phone calls being made at that point?

18 A There were phone calls made constantly from
19 the time we arrived.

20 Q Let me ask another question. Did
21 Mr. Watkins have a cellular or portable phone?

22 A Yes.

- 1 Q Was he making a lot of phone calls?
 2 A Yes.
 3 Q Did he make any phone calls while he was in
 4 the car with you?
 5 A No, not that I recall.
 6 Q So he started making phone calls when he
 7 got to the Foster family home, say around 10:00?
 8 A Everybody was on the phone, it seems to
 9 me. Web Hubbell was on the phone also. There were
 10 other people who were on the phone also.
 11 Q Was Web Hubbell on a portable phone or was
 12 he using the phone in the house?
 13 A I thought I saw him on the portable.
 14 Q So you think he had a portable phone?
 15 A Well, the cellular.
 16 Q And Watkins also had some sort of a
 17 portable phone?
 18 A I think they were all using the same
 19 cellular.
 20 Q They were handing it from one to the other?
 21 A Right.
 22 Q And was it your impression that that phone

- 1 was in continuous use during the period you were at
 2 the Foster home, fairly continuous use?
 3 A Yes.
 4 Q And you were at the Foster home for what,
 5 about 45 minutes to an hour?
 6 A Correct.
 7 Q 10:45, 11:00-ish?
 8 A Yes.
 9 Q Do you recall overhearing the names of
 10 anyone that Mr. Hubbell was speaking with?
 11 A No.
 12 Q Do you recall overhearing the names of
 13 anyone that Mr. Watkins was speaking to?
 14 A No.
 15 Q Do you recall anyone mentioning the name
 16 Bernard Nussbaum while you were there?
 17 A No.
 18 Q Does the name mean anything to you?
 19 A Yes.
 20 Q Who is Bernard Nussbaum?
 21 A I guess he was the number one man in the
 22 counsel office.

- 1 Q Have you ever met Bernard Nussbaum?
2 A No, I haven't.
3 Q Did anyone mention the name Maggie
4 Williams?
5 A Doesn't ring a bell.
6 Q Patsy Thompson?
7 A No.
8 Q Do you recall whether anyone called Hillary
9 Clinton?
10 A No.
11 Q Do you recall whether you overheard anyone
12 calling Mack McLarty?
13 A No.
14 Q Do you recall any mention of Whitewater?
15 A No.
16 Q Madison Guaranty?
17 A No.
18 Q Did you look for a suicide note at Foster's
19 home?
20 A No.
21 Q Was there any discussion of a suicide note
22 during the time you were at Foster's home?
-

- 1 A I did not have a conversation with John
2 about a suicide note. Now, basically what we were
3 doing was trying to talk to Laura and Mrs. Foster --
4 Q Laura is the daughter?
5 A Right, Laura is his daughter -- to find out
6 what Mr. Foster's mental state was.
7 Q And why were you doing that?
8 A To find out why he would have committed
9 suicide.
10 Q At that point, had you determined that it
11 was a suicide?
12 A It was an apparent suicide. We were --
13 Q You were not certain, though?
14 A We were looking for information that would
15 confirm it.
16 Q So this was a suspicion?
17 A Right.
18 Q And a suicide note or some other
19 documentation might be something that would allow you
20 to confirm it?
21 A Right.
22 Q Do you know whether he had a home office,

1 Foster?

2 A I don't know.

3 Q Was there any discussion given to the need
4 to seal the home?

5 A No.

6 Q Did you consider sealing the home?

7 A No.

8 Q Do you recall any discussion with anyone at
9 the Foster home between 10:00 and 10:45 on the
10 possibility there might be a suicide note in Foster's
11 White House office?

12 A There wasn't any discussion about it.
13 Prior to my leaving, I asked that David Watkins have
14 the office sealed.

15 Q Let's go very slowly on this point. So at
16 about 10:45 or 11:00, as you were leaving, you asked
17 Watkins to seal Foster's office, White House office;
18 correct?

19 A Correct.

20 Q Did any of your superiors ask you to have
21 the office sealed?

22 A No.

1 Q So this was a judgment that you made?

2 A Correct.

3 Q Why did you make that judgment?

4 A Well, I felt that if a note had been in the
5 house, that his wife would have produced it for us,
6 and since it wasn't in the car and it wasn't at the
7 scene, that to me was the other --

8 Q At the park?

9 A Right -- the more likely place he may have
10 left it.

11 Q You made the decision that the office
12 should be sealed in order to protect a possible note?

13 A Right.

14 Q And you wanted to seal the office because
15 someone might go into the office, for example, and
16 maybe take out the note?

17 A Correct.

18 Q And that was a concern of yours?

19 A Yes.

20 Q Do you recall in the course of your
21 training ever having anyone discuss the need to seal
22 someone's office in a suicide situation?

1 A Not specifically.

2 Q But you felt because this person was deputy
3 White House counsel, that you needed to cross every T
4 and dot every I, and that might be one way of
5 possibly doing that?

6 A Correct.

7 Q Now, there might also -- what other source
8 of evidence might be in an office that might be
9 relevant to an investigation as to whether something
10 was a suicide?

11 A He could have had his insurance papers
12 there, things like that. There are other kinds of
13 things you would usually find with a person who's
14 committed suicide. They get out their insurance
15 policies, make sure they're up to date, that kind of
16 stuff.

17 Q Maybe look for a diary?

18 A Uh-huh, a journal.

19 Q Maybe look for some motivation as to why
20 the person might have committed suicide?

21 A Uh-huh, a calendar, maybe, with
22 appointments.

1 Q You might also want to trace out what the
2 person's movements were in the last hours of their
3 life by going back to the office?

4 A That would be something that you would look
5 into, yes.

6 Q Can you think of anything else?

7 A Somebody like Foster, they spend a lot of
8 time in their office, so the people that he worked
9 with would be important to speak to.

10 Q So in investigating the suicide, you would
11 want to go talk to his co-workers --

12 A Correct.

13 Q -- find out what the state of mind was at
14 the time of his death?

15 A Right.

16 Q Let's assume you're in a murder scene --
17 you think there's a possibility of a murder, say in
18 similar circumstances. You would also want to seal
19 off someone's office in that circumstance, too?

20 A Every situation is different, but yes, that
21 would be a consideration.

22 Q Again, you might be looking, if you sealed

1 off the office, for evidence of the crime?

2 A It's a possibility.

3 Q And there might be a concern that perhaps
4 someone who was involved in the murder might remove
5 documentation from the office that might be relevant?

6 A Anything is possible. We're talking a lot
7 of generalities here.

8 Q You are quite certain that Watkins agreed
9 to seal the office?

10 A Uh-huh.

11 Q What did he say to you?

12 A I told him that -- this was, like, on our
13 way out the door. He was on the phone. He had just
14 finished. I waited for him to finish.

15 Q That was because you had something
16 important to say to him?

17 A Right. I asked that the office be sealed
18 off. He had just finished asking that we not notify
19 or put into our press release Mr. Foster's name
20 because they wanted to hold off on having that
21 information released because they wanted to notify
22 Mr. Foster's mother in person, who -- she was elderly

1 and in ill health. So I agreed that I would and I
2 asked that he have Mr. Foster's office sealed because
3 we would be sending people over in the morning to go
4 through the office.

5 Q When you say you knew that you were going
6 to be sending people over to look at the office the
7 next morning, did you discuss that with any of your
8 superiors?

9 A The next morning.

10 Q At the time you asked him to seal the
11 office, did you discuss the need to have Park Police
12 go to the White House the next morning?

13 A Not at that time, no.

14 Q Did you discuss the need to seal the office
15 with Investigator Rolla?

16 A I don't recall if I did or not.

17 Q Do you remember the words that he used when
18 he agreed to seal the office?

19 A It's hard because -- it's two years ago.

20 Q I know.

21 A Well, it's two years ago. No, I don't
22 remember his exact words. I remember that he

1 acknowledged that he would have it taken care of.

2 Q Did you notice whether he made any phone
3 calls after you told him to seal the office?

4 A No, but we left, like, almost immediately
5 after that, and I don't remember him writing anything
6 down as I was speaking to him.

7 Q When you asked him to seal the office and
8 he agreed to do so, what did you think he would do?

9 A I don't know. I guess I figured that he
10 would ensure that his office would be locked.

11 Q And that no one would enter the office?

12 A Right.

13 Q And no one would disturb or remove any
14 documents?

15 A Yes.

16 Q And you would want to wait until the next
17 morning when the Park Police would then go in and
18 enter the office?

19 A Correct.

20 Q And might it be that the way the papers,
21 for example, were situated on Foster's desk might be
22 relevant in some way?

1 A It could, yes.

2 Q So you would want to preserve his office in
3 as close a condition as it was when he left as
4 possible?

5 A Yes.

6 Q And why would you want to do that, again?

7 A Well, they would let you know whether he
8 left there in a hurry or whether he had finished up
9 whatever business he had and left his desk clean and
10 tidy or whether he actually left a note sitting on
11 his desk or his insurance information sitting on his
12 desk, his journal, his calendar, his appointment
13 book -- what he had done that day and what was his
14 last appointment. Where was he going, things like
15 that.

16 Q And you assumed that Watkins had the
17 authority to seal the office?

18 A I thought that either he would or he would
19 have contact with somebody who would.

20 Q Did you ask anyone else to seal the office?

21 A No, I didn't.

22 Q Did you tell any of your superiors or --

1 did you tell any of your superiors that Watkins had
2 agreed to seal the office?

3 A When I spoke to Captain Hume about it in
4 the morning and brought him up to speed on what had
5 occurred, I let him know at that time that we needed
6 to send somebody over to go through the office and I
7 had asked that the office be sealed.

8 Q And that would be what, 8:00 the next
9 morning?

10 A That was around 6:30 the next morning.

11 Q 6:30 in the morning?

12 A Uh-huh.

13 Q Did Hume ask you about sealing the office
14 at that point?

15 A I told him. I basically --

16 Q You raised it yourself?

17 A I let him know that I had made the request
18 and what needed to be done.

19 Q Did you tell anyone on the -- let's go
20 back.

21 After you left Foster's house, did you make
22 any phone calls back to your station?

1 A There was nobody to call. Maybe that's
2 what you don't understand, was that that evening --
3 we're talking about an evening shift, which was 2:00
4 in the afternoon until 10:00 at night. My
5 supervisor -- I don't know if she had left yet. She
6 was going to an assignment in El Salvador where she
7 was teaching down there, so she may not have even
8 have been around then.

9 Q So there was nobody back at the station?

10 A Yeah, there was nobody to report to other
11 than the shift commander and they pretty much -- they
12 didn't interfere with what we did with investigations
13 because they didn't have a whole lot of background in
14 that, so it was pretty much left to John and myself
15 as to what needed to be done. I didn't have any
16 immediate supervision.

17 Q Did you go back to your station at that
18 point?

19 A Uh-huh.

20 Q What did you do, prepare a report?

21 A Right. We took care of cataloging all of
22 the evidence, filling out property slips with the

1 evidence and doing our reports.

2 Q Did you make any phone calls from the
3 station to anyone that evening?

4 A I did try to call David Watkins because I
5 had heard that the White House had -- I found out
6 that it was -- the White House had released Foster's
7 name and it had already been on TV or the radio about
8 11:00, so I wanted to let them know that the name had
9 not been released by us.

10 MR. GIUFFRA: I have a document which I'll
11 show you and have marked as Exhibit Z 652. This
12 exhibit is a Senate highly confidential document, so
13 therefore, there are only several copies. We have
14 two and the minority has two copies. And, by the
15 way, we're not going to attach exhibits to the
16 deposition transcript for confidentiality reasons.

17 (Exhibit Z 652 identified.)

18 BY MR. GIUFFRA:

19 Q This appears to be a telephone record that
20 we received from the White House, and it reflects a
21 phone call that you made to Watkins it looks like
22 12:57.

1 A Right. That would have been after I found
2 out about Foster's suicide being publicized on the
3 air.

4 Q Were you calling him at all to confirm
5 whether the office had been sealed?

6 A No. I was basically, at that point,
7 calling to let him know that --

8 Q You had not been the source of the leak?

9 A We had not been the source of Foster's name
10 being released because I took that very seriously
11 that we not release that information. And I had
12 spoken to the shift commander to ensure that Foster's
13 name was not on the press release. So I wanted to
14 let them know that that information was not from us,
15 that that information had been released.

16 Q Did Investigator Rolla overhear Watkins
17 agree to seal the office?

18 A I thought he was right in the general area
19 with me.

20 Q Did you ever discuss with Investigator
21 Rolla the sealing of the office after you left the
22 Foster residence?

1 A No. We talked more about our impressions
2 of the way that Mrs. Foster reacted and the way
3 everybody else reacted.

4 Q And what were some of those impressions?

5 A The big thing that we talked about was that
6 she knew he was killed by a gun without us telling
7 her.

8 Q Did that seem strange to you?

9 A Yeah.

10 Q Why did it seem strange?

11 A Because most people would ask "how did he
12 kill himself," not "did he do it with a gun." And I
13 mean, it was like she knew exactly how he did it
14 without us telling her.

15 Q Was that the first thing she said?

16 A I don't recall at this point. It was
17 somewhere -- John had the conversation with her and
18 it wasn't immediate, no.

19 Q Were there any other things you discussed
20 with Investigator Rolla?

21 A Well, of course, we talked about the
22 overall chaoticness of the whole situation and the

1 fact of Web Hubbell pushing me out of the way when I
2 was talking to who I believe to be Sheila Anthony.

3 Q Did he push you hard?

4 A Hard enough for me to almost lose my
5 balance.

6 Q Did he push you up against the wall?

7 A No, I was standing in the middle of a room
8 and he pushed me out of the way.

9 Q Did he say anything at that point?

10 A No.

11 Q Did he seem very distraught at that point?

12 A No.

13 Q He didn't seem distraught?

14 A No, that was the other thing. They all
15 seemed very businesslike, other than Laura and
16 Mrs. Foster.

17 Q No one was crying?

18 A No.

19 Q Do you recall whether Hubbell and Watkins
20 had any conversations between them?

21 A I don't honestly remember.

22 Q And again, you can't remember any phone

1 calls that were made back to anyone, the names of any
2 people mentioned?

3 A No, I wasn't really -- I was concentrating
4 on what I was trying to do, trying to get information
5 from Laura, from Sheila Anthony. I wasn't really
6 paying as much attention to their -- I was cognizant
7 of the fact that they were on the telephone, but not
8 to be eavesdropping as to what their conversations
9 were.

10 Q When you say "very businesslike," what were
11 they discussing?

12 A I don't know.

13 Q But everybody seemed relatively calm?

14 A Uh-huh.

15 Q Were there any other things that happened
16 during the time you were at Foster's home that seemed
17 strange?

18 A No.

19 Q Were there any other things you discussed
20 with Investigator Rolla?

21 A Those were the main things.

22 Q Now, at 6:30 the next morning you told

1 Captain Hume the office had been sealed, you thought
2 the office had been sealed?

3 A Right.

4 Q Did he say anything to you about that?

5 A Not that I recall at this point. I'm not
6 sure they had even decided who they were going to
7 assign the case to at that point. I kind of just
8 basically let them know what had gone on, what we had
9 done, gave them the copies of our reports and let
10 them know that I had asked that the office be sealed
11 and that we needed to get somebody over there to go
12 through the office.

13 Q And again, why was that?

14 A To look for evidence, look for a suicide
15 note, look for anything that would indicate a reason
16 as to why he would have committed suicide.

17 Q And were you proceeding at that point, at
18 6:30 in the morning on the 21st, like this was a
19 suicide?

20 A For the most part, yes.

21 Q When you say "for the most part," what do
22 you mean by that?

1 A I hadn't found anything that would
2 contradict that it was anything other than a suicide.

3 Q When you mentioned the fact that
4 Mrs. Foster asked if it was by gunshot, did that
5 raise any flags?

6 A It basically kind of let John and I know
7 that maybe they were not totally unaware that
8 Mr. Foster was going through some emotional problems.

9 Q What happened next as far as your
10 involvement in this?

11 A That was it.

12 Q That was the last thing you recall doing,
13 was telling Hume at 6:30 on the 21st that the office
14 had been sealed and that people should get over there
15 to look for evidence?

16 A Yes.

17 Q Why were you taken off the investigation?

18 A It occurred -- I was assigned to the
19 central district as my normal area for follow-up
20 investigations and this suicide occurred in the west
21 district, and we have other detectives. I was a
22 plainclothes investigator and we have senior

1 detectives who were in the office. Normally, any
2 kind of homicide would be assigned -- homicide,
3 death, anything that required -- basically mostly
4 felonies, anything that was of a major investigation
5 would be assigned to a detective, and I would have
6 been left on the case basically to assist with the
7 continued follow-up.

8 In this particular case I wasn't because I
9 was going to supervisor's training because I was
10 going to be promoted in August, and they were having
11 a training class that was going on for three weeks.

12 Q When you say "major case," what do you mean
13 by that?

14 A Anything -- plainclothes investigators in
15 the office normally are assigned thefts, assaults. A
16 major case would be a homicide, a suicide.

17 Q And you were replaced by, I believe, it's
18 Markland?

19 A Detective Pete Markland.

20 Q And also Captain Hume. What do you know
21 about what their experience was of going over to the
22 White House on the 21st?

1 A I don't have any direct knowledge on that.
 2 Q You never spoke to them about it at all?
 3 A I spoke to Pete.
 4 Q To Pete Markland?
 5 A But I have no direct knowledge.
 6 Q What did he say to you?
 7 A Basically he just had indicated that they
 8 had a hard time. I don't think they were initially
 9 let in when they first went there and then --
 10 Q Did he say anything more than they had a
 11 hard time?
 12 A No. He didn't go into a lot of specifics.
 13 The main thing that I recall that stands out in my
 14 head is that when they did go back, it was the -- the
 15 FBI was there, they were there, and people from the
 16 White House counsel's office, and basically they were
 17 told to sit in chairs along with the FBI as people
 18 from a person from the White House counsel's office
 19 went through the paperwork.
 20 Q And the fact you were discussing what
 21 Detective Markland told you about his experience when
 22 he went to the White House.

1 A Right. Basically they were told to sit
 2 down in chairs and somebody from the White House
 3 counsel's office would go through -- was going
 4 through the paperwork.
 5 Q Did not let them see the paperwork?
 6 A Yeah, that's my understanding. And the
 7 only other information that sticks out in my head of
 8 Pete talking about it was that at one point I think
 9 the FBI agent stood up to stretch and they looked at
 10 him and told him to sit down.
 11 MR. GIUFFRA: Could you read back that last
 12 answer about two sentences ago.
 13 (The reporter read the record as requested.)
 14 BY MR. GIUFFRA:
 15 Q Did he say it was unusual that he was not
 16 allowed to look at the paperwork?
 17 A That's very unusual.
 18 Q That's very unusual?
 19 A Yeah. I mean, if you're conducting an
 20 investigation, I mean, you go in and you conduct the
 21 investigation and you go through the paperwork. I
 22 mean, we all have secret clearances, so there

1 shouldn't have been a problem as far as any
2 information that may have been left out on
3 Mr. Foster's desk. And I can't imagine that somebody
4 of his position would leave anything that would be
5 that sensitive out on his desk. So I don't know what
6 the big deal was.

7 Q Do you recall him saying anything else to
8 you --

9 A No.

10 Q -- other than this was not the standard
11 procedure?

12 A No.

13 Q Your answer again?

14 A No.

15 Q Are you aware of another instance, a
16 similar instance where someone went to search an
17 office and was not allowed to look at the papers in
18 that office?

19 A No.

20 Q Going back, thinking through your training,
21 does this sort of a fact pattern come up, that they
22 need to look at the documentation -- the officer

56

1 should look at the documentation in order to conduct
2 the investigation?

3 A Oh, yes.

4 Q And could you tell us a little bit --

5 A Part of the investigative training is you
6 look at everything and --

7 Q Why is it so important that you look at
8 everything?

9 A Well, it can tell you what's been going on
10 with that person, what they're involved with on a
11 daily basis. I mean, just -- any type of crime. It
12 wouldn't have to be -- it could be anything. The
13 paperwork, the records that people keep give you an
14 idea of what's been going on. Even when I was a
15 patrol officer on the street, if I stopped somebody
16 for narcotics, one of the things that I would do
17 would be look at their address book because that was
18 usually a guide on who their contacts were, who they
19 were getting their drugs from or who they were
20 supplying drugs to.

21 Q Might a trained officer see things that a
22 layperson might not see in looking at documents?

1 A Oh, yes, definitely.

2 Q Do you get training on review of documents?

3 A There is some training. There's not a lot
4 of specific training. I mean, I'm sure there's more
5 specific that you could put in for. The training I
6 had received up to that point had been real
7 generalized.

8 Q And was there any concern expressed by
9 Markland at the fact that since these people were his
10 co-workers, rather than an independent investigator,
11 that that might mean they wouldn't do as thorough a
12 job?

13 A I don't remember him -- I know that Pete
14 was frustrated because he felt like he should be the
15 one who should be doing it.

16 Q And he never was given a chance to see
17 those papers?

18 A I don't know. You'd have to ask him that.

19 Q Did you ever speak with Captain Hume about
20 his experience over at the White House?

21 A No, I didn't.

22 Q Do you know anything about the discovery of

1 the Foster note, suicide note, other than what you've
2 read in the papers?

3 A Well, it just seems to me from -- what I
4 heard in the office was that there was a briefcase
5 and the note was torn up in this briefcase and that,
6 as I recall, they had looked in the briefcase and it
7 was empty and all of a sudden this note was in it.

8 Q Did Markland say that they had themselves
9 looked in the briefcase?

10 A No.

11 Q But they had been told by the White House
12 official that the briefcase was empty?

13 A Correct.

14 Q And the note appears days later?

15 A Yeah, I don't know time frame.

16 Q Six days, actually -- actually, five days.

17 Do you recall any other discussion of that sequence
18 of events?

19 A No.

20 Q Ever have any phone calls with anyone?

21 A No, because, like I said, I was in that
22 three-week training for supervisor, so I really was

1 not as if -- this was just like little snippets I
2 heard.

3 Q This was more like office scuttlebutt?

4 A Right, that's why I said from the beginning
5 no direct knowledge.

6 Q Do you know who Thomas Collier is?

7 A No.

8 Q Other than -- let me ask you another
9 question. Did Officer Hume on the 21st -- you talked
10 to him at 6:30 in the morning and he goes over to the
11 White House that morning; correct?

12 A I believe.

13 Q Did he ever come back to you and say the
14 office wasn't sealed?

15 A No, he didn't.

16 Q Did he ever contact you and say what
17 happened?

18 A No, he didn't.

19 Q Did you ever have any discussion with
20 anyone at the Park Police about that?

21 A No.

22 Q Did you have any other discussions about

1 the sealing of the office that you can recall?

2 A No, I don't recall any other.

3 Q Other than in testifying here, at the
4 Senate or in a grand jury, have you had any other
5 discussions with anyone about this whole sequence of
6 events of the sealing of the office that you can
7 recall?

8 A No.

9 Q Did you subsequently learn of the transfer
10 of any documents from Foster's office to the White
11 House residence?

12 A Only stuff I heard in the media.

13 Q You never discussed it with anyone at the
14 Park Police?

15 A No. I got to the point where I stopped
16 even reading. I could never get maybe a couple
17 paragraphs into the articles that were written.

18 Q Why was that?

19 A Because I just felt them so false, I mean,
20 fabrications. I mean, people don't bother about the
21 truth and they just print what they want to do,
22 whatever they can do to sell papers.

1 Q Can you think of any examples of that that
2 are particularly --

3 A The Times.

4 Q The Washington Times?

5 A New York Times.

6 Q What about what they report?

7 A Well, I know a lot of their articles that
8 they wrote were just on half information, and they
9 sell a whole back page on -- there's just been
10 something recently this past year out about -- I
11 don't even know who to send it to, but it's about,
12 supposedly, truth in the investigation --

13 Q Are you talking about these ads, Accuracy
14 in the Media?

15 A Accuracy in the Media.

16 Q That's what you're referring to?

17 A For the good part, but even some of the
18 articles that were written. Granted, none of these
19 people could have been at the scene, but, you know,
20 it just doesn't seem like there's the responsibility
21 in the media to try to verify information or wait
22 until the information can be put out properly.

1 Q Do you know whether there's been any change
2 in Park Police procedures following or as a result of
3 the investigation into Foster's death?

4 A I honestly don't know. Like I said, those
5 guideline manuals have been made up for handling all
6 kinds of different things, rapes, robberies,
7 assaults, crime scenes. I don't know for sure
8 whether they were made up as a result of this or -- I
9 believe it's something that they've been talking
10 about for a while, and then this kind of probably
11 added more importance to it.

12 Another aspect that they realized, too, was
13 that their office was made up of a lot of senior
14 investigators who could retire tomorrow, if they want
15 to -- or detectives, I should say, who could retire
16 tomorrow and a lot of younger plainclothes officers
17 who are coming in, and if they lost all the senior
18 detectives, there would be nobody to really pass down
19 the information.

20 Q Just a few more questions. Now, with the
21 benefit of two years of hindsight, is there anything
22 that you would have done differently?

1 A Yeah. I would have probably gone ahead and
2 asked to go through Foster's residence.

3 Q Why, again, would you want to do that?

4 A Just for further checking to make sure that
5 there wasn't any note or insurance information that
6 he had left out, a diary or anything else, a place
7 where the gun may have been.

8 Q Did you ask to go through the residence?

9 A No, we really didn't.

10 Q Just because you didn't really feel that
11 comfortable there?

12 A Yeah, I was really taken off guard when
13 everybody walked in the door with us. I kind of felt
14 like at that point -- and I think I've testified to
15 this before -- I really lost -- we lost control at
16 that point.

17 Q And then the President arrived?

18 A Yeah.

19 Q That sort of changed things a little bit?

20 A That drastically ended any kind of hope we
21 had of continuing any kind of conversations.

22 Q So you would have maybe done something to

1 seal the house up or at least do more of a search?

2 A Yeah.

3 Q With regard to the sealing of Foster's
4 office, is there anything you would have done
5 differently?

6 A Yeah, I think when I left the residence,
7 probably gone to the White House and at least
8 attempted to get into his office. At that point if I
9 could not have gotten in, I would have requested a
10 uniform division or Secret Service to put somebody on
11 the office.

12 Q And you didn't do that because you assumed
13 that Watkins would do it?

14 A And I kind of felt like even if I had
15 marched over there, I wasn't going to get in, so why
16 beat my head against the wall.

17 Q Why is that?

18 A Because the White House isn't a place where
19 you go knock on the door and -- if it's during White
20 House tours, yes, you're more than welcome to come in
21 and visit, but --

22 Q Given the fact that this part of

1 Committee's inquiry has to do with the handling of
2 the papers in Foster's office, can you think of
3 anything else that the Committee should know that you
4 have knowledge of that might be relevant?

5 A No.

6 Q We've asked every possible question that
7 you can think of?

8 A Yeah.

9 MR. GIUFFRA: I don't have any further
10 questions.

11 MR. IVEY: Let's take a break.

12 (Recess.)

13 EXAMINATION

14 BY MR. IVEY:

15 Q Good morning, Sergeant.

16 A Good morning, how are you?

17 Q Pretty good. Let me go back. Mr. Giuffra
18 was asking you some questions about your initial
19 determination or view as to whether it was suspicious
20 circumstances or not. I wanted to ask you to explain
21 what you mean by "suspicious circumstances."

22 A Are you regarding generalities or the

1 specific case?

2 Q Why don't we do both. Why don't we start
3 with the general and if you want to look at your
4 deposition from last summer, here it is here. I
5 think it starts at the bottom.

6 A Do you want "suspicious"? Is that what
7 we're looking at?

8 Q Yes, ma'am.

9 A Basically when I asked Officer Fornshill
10 suspicious or natural, I'm trying to find out what
11 kind of a scene that we had without arousing a whole
12 lot of attention. And I wanted to know "suspicious,"
13 meaning that we were going to have to set up a
14 perimeter, a crime scene, and "natural," meaning that
15 there would be a whole lot less investigation
16 involved, that it was a heart attack or the person
17 died in their sleep; there was no apparent situation
18 that it had occurred either by somebody else or by
19 themselves with some kind of an instrument, being a
20 knife, a rope, a gun or whatever.

21 Q So by "suspicious," I think you drew a
22 distinction between "suspicious" and "natural" in

1 your testimony last summer?

2 A Right. Correct.

3 Q Then I asked you last time "so 'suspicious'
4 would be a death by violent means, I guess you would
5 say," and you said "right."

6 A Yes.

7 Q By "suspicious," do you necessarily mean
8 that it's a homicide?

9 A No.

10 Q Did you have any indication this was a
11 homicide in this case?

12 A No, but I didn't want to ask a whole lot of
13 questions over the radio because the radio is
14 sometimes monitored by the media, so that was enough
15 to let me know what I was going to need as far as the
16 crime scene without going into a lot of detail.

17 Q Mr. Giuffra asked you about your training.
18 You spoke in terms of going to Glen Cove, Georgia,
19 which, I assume, is where most of the felony type of
20 training takes place?

21 A It's the Federal Law Enforcement Training
22 Center, which is where our department goes for

1 training, as well as a lot of other government
2 agencies. I also attended a homicide seminar that
3 was given by the medical examiner's office in
4 Baltimore, which I think I testified to last year.
5 And that was a week-long seminar and it went into a
6 lot of different aspects of types of wounds and
7 accidental deaths as well as suicides and homicides.
8 It kind of gave a broad scope.

9 Q You mentioned in your testimony earlier
10 this morning that other scenes can be relevant and by
11 that, I take it you mean a distinction from the scene
12 where the body was found?

13 A Correct.

14 Q Did you discuss the scenes in your other
15 training courses?

16 A A lot of it was general. They make you
17 aware that you have to look at everything and they
18 don't give you any hard, fast rules on every
19 situation. A lot of that you end up picking up with
20 experience.

21 Q Did you go through a training period before
22 you became an investigator?

1 A Yes, 120 days.

2 Q Did you go to other crime scenes?

3 A Yes.

4 Q Did any of them involve violent deaths?

5 A Yes.

6 Q About how many violent death scenes have
7 you investigated during your career?

8 A There was the stabbing and the suicide that
9 I had mentioned, and then I'm trying to think of how
10 many different fatalities. Numerous fatalities.

11 Q At your training, do they talk about
12 sealing off offices as part of this other scene
13 investigation?

14 A Yes.

15 Q What do they say about it?

16 A I don't remember specifics. It was kind of
17 a -- what I was saying earlier about looking at all
18 the different aspects. These are things that as
19 you're investigating a case, you look at people's
20 involvement and where you would go. I'm thinking
21 along the lines of when you're doing a search warrant
22 and things like that.

1 Q Let me ask you about a search warrant. A
2 search warrant would involve a case where there's
3 probable cause to suspect that there is foul play
4 involved in the death?

5 A Yes.

6 Q Did you have that in this investigation
7 into Mr. Foster's death?

8 A No.

9 Q For the case that we're talking about here,
10 a search warrant would not have been appropriate, in
11 your view?

12 A No.

13 Q Did you receive any training at your
14 courses or did you gain any experience in your work
15 as an investigator that dealt with sealing off
16 offices in which there was no suspicion of foul play?

17 A Not that I recall, no.

18 Q Have you ever sealed off an office, the
19 Foster issue aside, in which there was no question of
20 foul play involved?

21 A No.

22 Q Are you aware of any cases with the Park

1 Police where that type of procedure or step would
2 have been taken in a suicide case?

3 A No. I know they had a suicide recently,
4 and they did check the home and they found his
5 insurance papers and things like that, but prior to
6 that, no, not that I personally did.

7 Q In the case that you just mentioned, was
8 that a consent search?

9 A I think it was.

10 Q Do you know if they sealed the house prior
11 to doing that?

12 A No, I don't believe so. I believe they
13 asked which is normally how it would be done.

14 Q When I say "consent search," I mean getting
15 consent from the people who live there.

16 A Right.

17 Q Let me ask if your training classes dealt
18 with searches that might involve highly sensitive
19 documents. Did you discuss that in your training?

20 A No.

21 Q Did you have any experience with cases that
22 might require searches of highly sensitive documents?

1 A No --

2 Q By "experience," I mean in cases that
3 you've investigated or heard about.

4 A No, never came across it in a high
5 profile --.

6 Q Do you know what Mr. Foster's job was at
7 the White House?

8 A No, I don't know specifically what his job
9 entailed. I know he was in the counsel's office, but
10 what they specifically required of him, I don't know.

11 Q In searching through documents in
12 Mr. Foster's office, again, this is a hypothetical,
13 would you have been interested in documents, for
14 example, that dealt with the President and
15 Mrs. Clinton's finances?

16 A No.

17 Q Would you have been interested in documents
18 that involved Supreme Court appointments?

19 A No.

20 Q Would you have been interested in documents
21 that dealt with the crux of what Mr. Foster did,
22 dealing with the Justice Department, providing legal

1 advice to the President?

2 A No. I mean, if I had gone into his office,
3 the only thing that I would be looking for would be
4 things to indicate -- that would show me why he
5 committed suicide. Like I said, I would want to see
6 his calendar to see if he had any appointments
7 upcoming with a psychiatrist or if he had had any in
8 the past, in the very recent past. Those would be
9 the things I would look for, insurance papers, things
10 to show that he was preparing himself and/or his
11 family for his death.

12 Q When you do house searches, consent
13 searches in the house of a suicide victim, are you
14 careful about -- do you try and be sensitive to the
15 survivors of the victim with respect to what you go
16 through and how you go about it?

17 A Yes.

18 Q What types of things do you do to try and
19 be sensitive about when searching the house?

20 A Not having done it, but if I was in that
21 position, like if we had been able to spend more time
22 and build more rapport with Mrs. Foster, I would have

1 asked her about whether he had seen a psychiatrist
2 and was he on any medication and was there a weapon
3 in the house. And those were the kind of things that
4 I would ask them to take me and show me, and it
5 wouldn't be a matter of, so much, me searching
6 through the house. It would be a matter of asking
7 them and having them show us.

8 Q So, in other words, you wouldn't
9 necessarily go through every document or piece of
10 paper in the house?

11 A No.

12 Q You would ask whoever was there to take you
13 to it?

14 A I would ask for a diary, his calendar,
15 things like that.

16 Q Why would you do it that way instead of
17 going through everything yourself?

18 A Because there would be no reason to go
19 beyond that unless I felt that there was something to
20 show me that it was a homicide.

21 Q In your experience, have you ever executed
22 a search warrant on someone's house?

1 A Yes.

2 Q What types of things do you do when you
3 execute a search warrant?

4 A Assuming I have the search warrant?

5 Q No, I mean in cases where you've done it.

6 A We get evidence that there's criminal
7 activity going on through observation, and then go
8 and do an affidavit for the search warrant. You take
9 that to the judge. The judge approves the affidavit
10 based on probable cause that you have in your search
11 warrant. Then -- I mean, most of the search warrants
12 I've had have been high-risk narcotics search
13 warrants, so it's a matter of knocking and go in.

14 Q Frequently kicking in the door?

15 A Yes.

16 Q And when you go in the house, what do you
17 do?

18 A The first thing we do is hold everybody in
19 place so they can't destroy evidence.

20 Q Do you handcuff them?

21 A If necessary, yes.

22 Q Temporary cuffs that are plastic?

1 A We use regular cuffs.

2 Q Behind the back?

3 A Uh-huh.

4 Q Sit them down on the floor?

5 A Uh-huh.

6 Q What do you do then?

7 A After everybody in the scene is secure,
8 then we search and do a thorough search through the
9 entire house.

10 Q By "thorough search," what do you mean?

11 A Turn mattresses upside down and go through
12 drawers and any place the narcotics or money or
13 paperwork, where drug transactions would be hidden.

14 Q When you go through the paperwork, in a
15 case where you're executing a search warrant, how do
16 you go through it?

17 A Usually, it's just a chart of how much
18 narcotics was brought in, how much has been sold.

19 Q No, no, paper in the house, like mail?

20 A With the narcotics ones, the houses that we
21 were in were property that wasn't being rented, but
22 they had bills there for electric and things like

1 that, so it was evidence that we could show that it
2 was being used so that was seized, along with the
3 tally sheet of what narcotics was being sold.

4 Q Is there anything in the Foster case that
5 would justify that type of turn-over-the-mattresses,
6 take-out-the-drawers --

7 A No.

8 Q -- type of search?

9 A No.

10 Q Would you have done that even if you had
11 been given permission to do so by Mrs. Foster?

12 A No.

13 Q Would the White House office have been any
14 different?

15 A No. Again, I would have been looking for,
16 like I said earlier, his calendar, a journal, things
17 to support that he was depressed, whether it be his
18 diary, his journal or the fact that he had made
19 appointments with psychiatrists.

20 Q This wouldn't be a case where you would go
21 in and cut open mattresses and dump files on the
22 floor and flip over drawers --

1 A No.

2 Q -- and look underneath and all that?

3 A No.

4 Q So it would have been a very careful
5 search, I would assume?

6 A Yes.

7 Q And you would have been helped or directed
8 by someone there?

9 A Yes.

10 Q Who do you think that person might have
11 been?

12 A Probably, someone from the counsel's
13 office.

14 Q Maybe Foster's supervisor?

15 A Possibly or his secretary, somebody who
16 knew how he kept things.

17 Q Couple more questions about sealing the
18 office. This is the White House and sometimes things
19 work differently here. Let me ask you this: If the
20 person had been found on July 20, 1993 had been the
21 CEO for MCI or a United States Senator or a CEO from
22 Mobil, would you have wanted to search his or her

1 office in those circumstances?

2 A I would still have wanted to have gone to
3 the office.

4 Q How would you have gone about doing that?

5 A I probably would have gone through -- well,
6 at that time of night I would have gone through the
7 security personnel that were assigned at that
8 building.

9 Q Would you expect to be able to get into
10 those offices, the CEO for a Fortune 500 company,
11 without any type of guidance or liaison?

12 A Probably not.

13 Q And why do you say "probably not"?

14 A Well, again, you're talking about upper
15 echelon of a company, just like the government, and
16 whether it's important to me or not, documents that
17 they have may be important to them and would be
18 controlled.

19 Q I mean, would you think that a CEO of a
20 major company might have sensitive documents that
21 they might be concerned about --

22 A Yes.

1 Q -- people outside the company seeing?

2 A Yes.

3 Q What about a Senator or Congressman?

4 A Yes.

5 Q So you might have tried to contact a
6 liaison to help you in getting to do that search at
7 the office?

8 A Yes.

9 Q Would you have expected that the search
10 would have taken place that night --

11 A Probably not.

12 Q -- midnight or so?

13 A Probably not.

14 Q Maybe the next day --

15 A Yes.

16 Q -- or shortly thereafter?

17 A Yes.

18 Q Would you have expected to be able to go
19 through all of the documents in the office of the
20 Senator, a Congressman or CEO?

21 A No.

22 Q How do you think that search might have

1 taken place of those offices?

2 A Well, I mean, I would be specific in my
3 requests. I would ask to see his appointment book,
4 his journal, diary. I wouldn't be asking him to look
5 through everything on his desk. I would be specific
6 in my requests in what I wanted to see.

7 Q Let's say this executive had a briefcase
8 that was filled with documents and papers and
9 things. Would you expect to be able to look at all
10 the documents in the briefcase?

11 A Possibly, but you know --

12 Q Depends on the circumstances?

13 A Yes.

14 Q Would you expect that someone other than
15 you or some other member of the Park Police would
16 make the determination as to whether you'd get to
17 look through that briefcase or not?

18 A Somebody from the Park Police?

19 Q Someone from that company, other than a
20 member of the Park Police.

21 A Probably.

22 Q And why is that?

1 A In case there were sensitive -- there was
2 sensitive information there.

3 Q By the way, have you ever worked on a case
4 like that that involved an investigation of a
5 high-level either government official or private
6 sector?

7 A That was the first time.

8 Q Are you aware of the Park Police working on
9 any cases comparable to that?

10 A No. I know years ago there was a Senator
11 or Congressman's son who was killed in a fatal
12 automobile crash out on the Clara Barton -- I'm
13 sorry, George Washington Memorial Parkway, and I
14 think there may have been one other suicide one other
15 time that I remember somebody mentioning of some
16 official type in the government.

17 Q When did you join the Park Police?

18 A I've been on for -- it will be 10 years in
19 August.

20 Q So you joined in August of '85?

21 A '85, uh-huh.

22 Q Now, you mentioned that when you saw

1 Mr. Foster's White House credentials, it changed your
2 notification procedure?

3 A Right.

4 Q What does that mean?

5 A Well, as I said earlier, it meant that we
6 were going to be getting more publicity because of
7 the investigation. So they do what we call a group
8 100 page and it notifies all our top officials on the
9 job that something has occurred. And usually,
10 they'll call in to find out what it is so when they
11 hear it on the news, it's not such a big surprise.

12 Q Let me read this to you from your testimony
13 last year. I asked "and why does the fact that it's
14 a White House personnel mean you have to notify your
15 supervisor?" Your answer was then "we do a 100 page
16 which notifies all of our officials on the department
17 that we were dealing with somebody who was not an
18 ordinary citizen. I guess the best way to put it,
19 somebody from the White House so there would be
20 inquiries by -- well, by the White House, by, you
21 know, other people."

22 So this is primarily to alert your

1 supervisors that possible media inquiries may be
2 coming?

3 A Right.

4 Q Typically, if I recall correctly,
5 investigators on a death scene are in charge of the
6 investigation at the death scene?

7 A That's correct.

8 Q Were you calling to get some sort of
9 guidance on what to do at the death scene?

10 A Not really.

11 Q Did you feel that you needed any guidance
12 on what to do at the death scene?

13 A No.

14 Q Are you aware of the contacts that took
15 place between your supervisors and people at the
16 White House?

17 A No.

18 Q Now, you testified earlier -- you said you
19 didn't consider sealing the office initially because
20 you didn't know who he was at that point.

21 A Right.

22 Q Does that mean that -- what does that

1 mean?

2 A It just means that I didn't -- I mean, I
3 didn't even actually think about sealing the office
4 at that point. It more or less was you're going
5 through a process. And at the time I was
6 concentrating on the initial scene and what needed to
7 be done at that scene, with the ultimate goal being
8 finding this suicide note. And when we didn't find
9 it at the scene and then we didn't find it in the car
10 and then we didn't find it at the home or anything to
11 assist us in the fact that yes, he was distraught and
12 this was not totally unexpected -- other than the
13 fact that Mrs. Foster seemed to know that he had
14 killed himself with a gun -- that was kind of my next
15 thought process, was to move then to the office.

16 Q Mr. Giuffra also asked you something about
17 crossing all the T's and dotting all the I's after
18 you found out he was in the White House counsel's
19 office?

20 A Right, which was after I had gone into the
21 car.

22 Q Is it fair to say that if he had been a

1 lower level White House employee, much lower level,
2 say, for example, you might not have asked someone to
3 seal his office?

4 A Yes, quite possibly.

5 Q Why is that?

6 A Well, a lower level employee would not
7 cause as much embarrassment for the White House as
8 the fact that a high-level employee had committed
9 suicide, and they may just feel that there was
10 something to hide.

11 Q Now, the reports you wrote, Mr. Giuffra
12 asked you about documents produced by the Committee.
13 I see two evidence property control receipts. This
14 is for items related to the death scene.

15 A Do you have the other side?

16 Q No. You mean the chain of custody side?

17 A No.

18 Q No, I can show those to you if you'd like,
19 but I'm not going to ask you about those. These are
20 two of the reports that you wrote about your crime
21 scene investigation.

22 A Okay.

1 Q If I recall correctly, Mr. Rolla --
2 Investigator Rolla wrote the report that dealt with
3 the death notification?

4 A Right. He did most of the work.
5 Basically, this was going to be his chance to learn.
6 He was assigned to the west district, and I was
7 training him and I was letting John do the majority
8 of the work, so I kept my report to basically what I
9 did at the scene.

10 Q Do you know if he mentioned the President
11 showing up at the death notification in his report?

12 A I don't know.

13 Q This is page 2124 of the Committee's report
14 on last year's hearings. Let me ask you, do you
15 recognize the signature at the bottom?

16 A Yes, John Rolla's.

17 Q Down here at the bottom it's got
18 "notification." Can you read that part? You can
19 read it to yourself.

20 (Witness reviewed document.)

21 Is that, to the best of your knowledge,
22 regarding the death notification of the family?

1 A It's very generalized.

2 Q Did he mention the President showing up in
3 his report there?

4 A No, he did not.

5 Q What about the comment that you mentioned
6 earlier about Mrs. Foster asking if he put the gun in
7 his mouth or if it was with a gun or whatever?

8 A I don't know if he put that in any reports
9 or notes. It's not in that report.

10 Q Do you know if he mentioned anything about
11 the request to seal the office in any of his reports?

12 A No.

13 Q Is that something that you would have
14 discussed with him at all?

15 A No. I don't think I did. As I said
16 earlier, I don't recall discussing it with him. It
17 was just kind of one of those mental checklist things
18 that I was going through that morning before I left
19 and mentioned to Hume.

20 Q But your recollection is that he was in the
21 vicinity when you asked Watkins to seal the office?

22 A Yes.

1 Q In writing reports, is it the goal of the
2 Park Police investigator to try and put down the key
3 parts of what's taking place, the most important
4 parts?

5 A Yeah. You try to put in as much detail as
6 you can. But, of course, in the morning, since being
7 up since 7:00, you might leave out a lot of
8 information. So that's why they finish up with an
9 investigation continue, so you can do supplemental
10 reports.

11 Q There's 2000 pages of stuff that we've
12 produced just on this, so I'm sure if you wrote a
13 report that included absolutely everything, you'd
14 spend your entire day writing reports. Is that fair
15 to say?

16 A That would be correct.

17 Q So when you write reports, you try and
18 highlight the most important things?

19 A That's correct.

20 Q Would it be fair to say that for you at the
21 death notification during the course of what took
22 place on July 20th that sealing the office was not

1 top priority?

2 A Yes.

3 Q What were your top priorities?

4 A Basically to -- you mean at the
5 notification?

6 Q Yeah, at the notification.

7 A To try to speak to the family, to let them
8 know, first off, that this had occurred and then to
9 find out from them anything that they knew of that
10 would cause Mr. Foster to commit suicide.

11 Q So you were trying to find out about
12 Mr. Foster's mental state, in other words?

13 A Yes.

14 Q Now, if you'd had indication at the death
15 scene that this had been a homicide, in other words,
16 if you saw some suspicious circumstances there, would
17 your priorities possibly have changed?

18 A Yes.

19 Q Why is that?

20 A Because then you have a broader range of
21 people that you are looking at as possible suspects.

22 Q Would the sealing of the office have been a

1 higher priority or lower priority?

2 A Higher.

3 Q Why would that be?

4 A Because there might be evidence at the
5 office that would show who or why somebody would want
6 Foster killed.

7 Q Do you know if anyone other than
8 Investigator Rolla was in the vicinity when you asked
9 Watkins to have the office sealed?

10 A I think only John was, and I only say that
11 John was because we were on our way out the door.

12 Q Mr. Giuffra asked you about a guidelines
13 manual earlier. Let me direct you to pages 1321
14 through 1343. Would you take a look at those and
15 tell me if you recognize them. And those pages refer
16 to the published volume from the hearings last
17 summer, Senate 103-889.

18 (Pause.)

19 Do you recognize what that is?

20 A I recognize what it is. I've never seen it
21 before.

22 Q What is it?

1 A It's a guideline manual on how to handle
2 the typed death scene.

3 Q Published a year to the day of Mr. Foster's
4 suicide, July 20, 1994?

5 A Uh-huh.

6 Q Do you know if this talks at all about
7 sealing of offices in suicide cases?

8 A I didn't notice it when I just flipped
9 through there.

10 Q Let's flip to that section. Does it
11 discuss sealing of offices in suicide cases?

12 A No, it mentions going there, but it doesn't
13 mention sealing.

14 Q Why do you think that is?

15 A I guess every case is different.

16 Q Detective Rayfield was the one that wrote
17 the guidelines manual?

18 A Yes.

19 Q Did you ever work with him at all?

20 A Yes, I did.

21 Q Would you say he's a very thorough
22 detective?

1 A Yes.

2 Q Is that why he was chosen to write the
3 guidelines manual?

4 A Yes, he's also the most senior person.

5 Q Would it be fair to say if the sealing of
6 an office in a suicide was a routine matter, that you
7 would expect that he would have written a passage in
8 there about it?

9 A Yes.

10 Q Again, this is the manual written to help
11 train younger, inexperienced officers in the event of
12 large retirements of senior investigators and
13 detectives?

14 A Right.

15 Q So if it's a key point, he would have put
16 it in there?

17 A Yes.

18 Q You were asked about David Watkins and his
19 position in the White House a little earlier. I'm
20 going to hand you page 2204 of the Committee hearing
21 report from last summer. Is that the card you got, a
22 copy of the card that you got?

1 A Yes, it is.

2 Q What does it say?

3 A Assistant to the President for management
4 and administration.

5 Q Do you know if that's in the White House
6 counsel's office or not?

7 A I honestly don't know.

8 Q When you said earlier you thought he was in
9 the White House counsel's office, what led you to
10 believe that was his position?

11 A My conversation with Lieutenant Gavin, the
12 shift commander.

13 Q Your recollection is that Gavin told you
14 that Watkins was with the White House counsel's
15 office?

16 A We were asked to call him, and he then gave
17 us Watkins's name and number and made us aware of the
18 request for him to do the notification of us. And it
19 may be a wrong impression, but it was the impression
20 I got from my conversation with him when we got Dave
21 Watkins's name and number was that he was part of the
22 counsel's office.

1 Q Did you also give Lieutenant Gavin William
2 Kennedy's name?

3 A Yes.

4 Q Do you know if he was at that time a member
5 of the White House counsel's office?

6 A Yes, I believe he was.

7 Q What about Craig Livingston?

8 A That was in combination with Mr. Kennedy's
9 name. They wanted to go to the hospital.

10 Q Did he indicate whether Livingston was in
11 the White House counsel's office?

12 A It was my impression that they both were.

13 Q By "in the White House counsel's office,"
14 did he mean physically or that's where they were
15 assigned?

16 A Assigned.

17 Q Why is it that you took Watkins to the
18 death notification?

19 A I took him for the purpose that it makes
20 notifications easier a lot of times if you have
21 somebody who is close to the family and they can
22 assist them with their grieving and make phone calls

1 for them, things like that.

2 Q I guess you understand that the number got
3 a little bigger than you planned?

4 A Yes, I had no idea anyone other than
5 Mr. Watkins and his wife would be there. When they
6 came down the street as we were going -- up the
7 street from the other direction almost to the steps
8 when we saw them coming, we had no knowledge that the
9 rest of these people would be coming.

10 Q And why did you believe that the Watkinses
11 were friends of the Fosters?

12 A Mrs. Watkins had played tennis earlier in
13 the day with Elizabeth Foster.

14 Q And at the time you picked him up, you
15 hadn't spoken with anybody about sealing Foster's
16 office yet?

17 A No.

18 Q That was approximately 10:00?

19 A Thereabouts.

20 Q What time did you clear the death scene?

21 A I don't recall specifically. Is it -- I
22 think it was somewhere in the neighborhood of like

1 8:30, but I don't recall the specific time.

2 Q Let me refer you to Investigator Rolla's
3 report, page 2124 of the hearing report. What time
4 did he arrive?

5 A I have 20:45.

6 Q Which is 8:45 in regular people time?

7 A Correct.

8 Q So what did you do between 8:45 and 10:00?

9 A We went to the hospital and then from the
10 hospital to Georgetown and driving up M Street was
11 like pulling teeth. Then to Mr. Watkins's House and
12 from there to the Fosters's House.

13 Q So you went -- when you got to the hospital
14 you went straight to pick up Watkins?

15 A Right.

16 Q After you picked him up, you went straight
17 to the Foster home?

18 A That's correct.

19 Q Now, after you got to the Foster home and
20 you made the death notification, Investigator Rolla
21 made the death notification, you testified earlier
22 there were a lot of phone calls being made?

1 A Right.

2 Q But you couldn't tell who the calls were
3 being made to?

4 A Right.

5 Q Did you have any particular interest into
6 who the phone calls were being made to?

7 A Not really.

8 Q Why is that?

9 A Well, we were dealing with a high-level
10 White House official, so notification had to have
11 been made and that was probably part of what was
12 going on.

13 Q Why did you feel notifications had to be
14 made?

15 A For the same reason that I had to make
16 notifications.

17 Q You mean press matters?

18 A Uh-huh, interest in inquiry.

19 Q Did you have the sense that anything
20 sinister was going on when these phone calls were
21 being made?

22 A No.

1 Q Was there anything that gave you the feel
2 that the people who were making these phone calls
3 were actively conspiring to hide evidence somewhere?

4 A No.

5 Q At the White House office in particular?

6 A No. Like I said, it seemed businesslike.

7 Q At the time these calls were being made, do
8 you know if Mr. Foster's mother was aware that he had
9 been found dead?

10 A I have no idea.

11 Q Do you know how many children Mr. Foster
12 had?

13 A There was Laura, and then I believe two
14 sons, which they were out when we got there to do the
15 notification and they did not come back by the time
16 that we left.

17 Q The sons were living at the home, but they
18 were not present when you went out to do the
19 notification?

20 A Yes, that was my understanding.

21 Q Do you think there was any concern about
22 trying to reach the boys to let them know that their

100

1 father was dead before they heard it over the radio
2 or TV?

3 A I know there was some concern in trying to
4 locate the boys. And where they were specifically, I
5 don't think anybody really knew it. It was my
6 impression that they were possibly down in
7 Georgetown.

8 Q Would that have been a concern of yours?

9 A Somewhat, but it wasn't as much.

10 Q Why?

11 A Well, I mean if the mother had known
12 exactly where they were, I would have probably
13 offered to find -- have somebody go find them and
14 bring them back, but nobody seemed to know exactly
15 where they were.

16 Q Why would you have done that?

17 A So that they could be notified and
18 interviewed.

19 Q Why would that be important?

20 A To find out if they knew anything regarding
21 their father's state and, like you said, so they
22 don't find out over the TV.

1 Q And at the time you were there making the
2 notification, what was Mrs. Foster's behavior like?

3 A She was very upset. When she was initially
4 told, she screamed and was crying and almost to the
5 point of hysteria.

6 Q You talked about Mr. Hubbell pushing you --

7 A Uh-huh.

8 Q -- from Sheila Anthony, or who Investigator
9 Rolla later told you was Sheila Anthony. I believe
10 you testified about that on a number of occasions.

11 A Yes, I have. I believe I said something to
12 the effect that it was rude.

13 Q Actually, I think Mr. Rolla said that for
14 you.

15 A Yes, he may have.

16 Q I think it was me that asked you last year
17 do you think Mr. Hubbell -- I mean, do you know why
18 he pushed you out of the way. Your answer was "I
19 really don't know. I don't know the man. I never
20 had met him before that. I didn't know if he was
21 just being overly protective or, you know, because I
22 had the impression this was his wife and I don't know

1 whether he was being overly protective of her and he
2 felt like it was a time of grief putting too much
3 pressure on her or what."

4 Do you recall that answer from last summer?

5 A Right.

6 Q Do you still feel that same way?

7 A For the most part. I really don't know why
8 he did it. I still don't feel like I had gotten far
9 enough into a conversation to really say for sure
10 that he was trying to prevent me from obtaining any
11 kind of specific information.

12 Q Did he do anything else that night that
13 might have led you to feel that he was trying to keep
14 you from obtaining any information?

15 A No. Like I said, they were all very
16 businesslike, but other than that, there was nothing
17 specific that anybody did.

18 Q Now, you mentioned earlier that none of
19 your supervisors or superiors had contacted you about
20 asking to have the office sealed. Would that have
21 been typical in this type of an investigation?

22 A For them to ask me to do it?

1 Q No, for you to contact a supervisor before
2 making that request.

3 A No.

4 Q And you did try and contact your
5 supervisors because this was a high-profile case?

6 A The 100 page had gone out and it seems to
7 me as we were doing some of the paperwork in the
8 office, Major Holmes telephoned and I just briefly
9 let him know what had transpired.

10 Q That was, in part, based on a concern about
11 media inquiries?

12 A Uh-huh.

13 Q Is it fair to say that because of
14 heightened media scrutiny, you might have taken some
15 steps in this case that you might not have taken in a
16 lower profile type of case?

17 A Possibly, yeah.

18 Q And why is that?

19 A I guess because -- you know, everybody is
20 going to be looking at what you did. Once I found
21 out that he was connected with the White House, you
22 know, I knew there was going to be a lot of

1 attention.

2 Q I bet you didn't think that the Senate
3 would be looking at it?

4 A I didn't think it was going to be quite
5 this much attention, but I did know there would be
6 attention to it.

7 Q It's only been a 12-month span so --

8 A Does that mean I have more to look forward
9 to?

10 MR. GIUFFRA: The books haven't come out
11 yet.

12 BY MR. IVEY:

13 Q In fact, I guess the media attention --

14 A I still get inquiries.

15 Q The media treatment of the Park Police was
16 fairly harsh. Is that fair to say?

17 A Yes.

18 Q Do you think it was unfair?

19 A Yes, I feel it was overly critical.

20 Q If I recall some of the reports correctly,
21 particularly the types that you mentioned earlier,
22 there was a question as to whether the Park Police

1 had done a good job or if they botched the
2 investigation?

3 A Right.

4 Q And there were some attempts to imply that
5 at the hearings last summer by some of the Senators?

6 A Yes.

7 Q So when you read about some of those press
8 reports about documents being moved out of
9 Mr. Foster's office, what did you think about those
10 types of press reports?

11 A I think a lot of it is geared towards
12 trying to make the White House look bad.

13 Q When you read the stuff about the note that
14 was found six, seven days after Foster committed
15 suicide, some of the earlier reports blame the Park
16 Police for not finding the note initially. Do you
17 recall if that was true?

18 A When I spoke of the note, I was more
19 speaking of what I heard from the office
20 conversation, not so much -- like I said, I've never
21 really read too much more than the first couple
22 paragraphs of articles, and that was in the

1 beginning. It got to the point where I didn't read
2 them really at all.

3 Q You left August 4?

4 A Yes.

5 Q Do you recall between July 20 and August 4
6 conversations among your colleagues about the way the
7 Park Police were being discussed in the media?

8 A Yes, there were conversations about that.

9 Q Do you recall any conversations about the
10 characterization of the investigation and the media,
11 particularly with respect to the note?

12 A No, I can't say that I do.

13 Q What types of conversations do you
14 remember? What was the tone of the conversations?

15 A Basically, that we were just taking a lot
16 of criticism and that we were being made to look like
17 bumbling idiots who don't know how to do our job.

18 Q Were people upset about that
19 characterization?

20 A We were, and we were not crazy about the
21 lack of damage control done by our department.

22 Q Do you recall if Detective Markland and

1 Captain Hume were upset about the way the Park Police
2 were characterized?

3 A I didn't really have any conversations with
4 Hume. Pete, I know, was frustrated by the whole
5 thing. Rolla was not happy.

6 Q I remember. You mentioned the businesslike
7 atmosphere that was in the house. When the President
8 got there, was that the tone still -- was it still
9 businesslike?

10 A No.

11 Q What was the tone?

12 A After his arrival, he took Laura and
13 Elizabeth Foster in his arms and sat down on the
14 couch and he was consoling them.

15 Q Did you see his face?

16 A Uh-huh.

17 Q How did he appear?

18 A Concerned.

19 Q And you don't remember if Watkins and
20 Hubbell talked to him?

21 A To each other?

22 Q Each other.

1 A I don't remember specific conversations.

2 There were a lot of different conversations that were
3 going on.

4 Q Now, the next morning, July 21st, you met
5 with Captain Hume?

6 A Right.

7 Q And Investigator Rolla was with you?

8 A No, I don't remember John being there.

9 Q Was it just you, then?

10 A Yes.

11 Q And you briefed him on what had taken place
12 the night before, crime scene, the investigation and
13 the notification of the death?

14 A Yes.

15 Q Did he tell you then he was going to put
16 Markland on the case?

17 A I don't remember if I knew who he was going
18 to put on it when I left or not. I don't recall
19 knowing that information when I left.

20 Q Do you remember how you learned about it?

21 A Well, I know that I didn't really sleep
22 after I went home, and I called to the office around

1 noon and I found out that the autopsy had been pushed
2 up and that they had sent Jim Morrisette to go to
3 the autopsy. And I think that might have been when
4 Tim Squires was the one I was speaking to on the
5 phone -- I think that's when he told me that Pete had
6 been assigned.

7 Q When you found out about Detective Markland
8 being assigned to the case, I assume you knew at that
9 point it was a lead investigative role?

10 A Right.

11 Q Were you upset about that at all?

12 A No, not at all. I knew it was going to be
13 reassigned. I knew that wasn't my position to
14 continue the investigation on it, especially since I
15 knew I was going to be promoted very shortly.

16 Q Is this a case you would have wanted to
17 work on?

18 A It would have been very interesting to be
19 able to stay on it, yes.

20 Q You didn't feel upset that you weren't
21 going to have the chance to work on it?

22 A No.

1 Q Now, you told Mr. Giuffra of that hearing
2 about how Detective Markland and Captain Hume were
3 treated when they went to the White House, did you
4 hear that from Hume and Markland?

5 A As I recall, the discussion was between
6 Pete, John, myself and there was one or two other
7 persons there, but -- it may have been Tim Squires.

8 Q So by "Pete," you mean Detective Markland?

9 A Pete Markland.

10 Q And by "John," you mean John Rolla?

11 A Rolla, correct.

12 Q What did they say?

13 A Basically they were just kind of bringing
14 me up to speed on what had happened.

15 Q About when was this conversation?

16 A It was actually well after the incident had
17 taken place. It seems to me I was back in the
18 office -- this was after I was promoted, and I had
19 stopped in to pick up film or something else.

20 Q So mid- to late August?

21 A Right.

22 Q The case had been closed?

1 A I don't know if it had been closed yet or
2 not. I don't believe it was closed yet.

3 Q Was it after August 10, 1993?

4 A I can't give you a specific date.

5 Q Do you know if Rolla went to the White
6 House at all?

7 A I don't believe he did.

8 Q So I guess the conversation -- you said
9 Squires might have been there?

10 A Right.

11 Q Do you know if he went to the White House
12 for this investigation?

13 A No.

14 Q So the conversation about what took place
15 at the White House would have been by Detective
16 Markland?

17 A I believe so, yes.

18 Q And what did he say?

19 A Basically it was -- I mean, the big topic
20 of conversation was that they were told to -- some
21 chairs were put like in the center of the room and
22 they were, told, to sit down and that when the FBI

1 agent stood up, that they, like, snapped at him to
2 sit back down.

3 And the other big highlight was that a
4 briefcase that had apparently been looked in
5 previously and had been empty was reopened at a later
6 time and had the note in it.

7 Q Was Markland upset?

8 A Upset, frustrated, like he -- I think he
9 felt a little, maybe, hampered. Do you want me to
10 explain what I mean by that?

11 Q Okay.

12 A When I say that, it's my understanding, as
13 I recall from -- and this has been close to two
14 years' time -- they had asked for specific things
15 like his journal and his appointment book, and they
16 did not want to give him those things to look at.
17 And like I said before, you're going to have to ask
18 Pete that specifically, but that's what I recall, was
19 that they had asked for those specific kinds of
20 things, and they were told to sit in the chair and we
21 will show you what we want to show you.

22 Q So your recollection is that they made

1 specific requests along the lines that you've
2 discussed earlier?

3 A Right.

4 Q Things that would be most likely to contain
5 evidence of Foster's state of mind at about the time
6 of his death?

7 A Right, yes.

8 Q But they did not make a request about let's
9 just turn the office upside down and see what's here?

10 A Right.

11 Q Do you know if they got to look at the
12 appointment book?

13 A Eventually, yes.

14 Q Was this conversation that you recall
15 before or after they had a chance to look at those
16 documents?

17 A I think it was after.

18 Q But they were still upset?

19 A Yeah.

20 Q Was it the timing of when they got to
21 look -- what was it that made them upset? They
22 wanted to see the documents. They got to see them.

1 A I guess the way in which it was done.

2 Q The way it was done?

3 A Yes.

4 Q So the way they were treated at the White
5 House?

6 A Uh-huh.

7 Q You said earlier, I think, something along
8 the lines that Pete was frustrated because he wanted
9 to go through the papers.

10 A Well, the journals and the diary.

11 Q But not everything?

12 A Not everything, no.

13 Q You also said it was very up usual to not
14 be allowed to go look at the paperwork. Is this
15 again referring to not in paperwork in general, but
16 journals, calendars, specific things of that sort?

17 A Right.

18 (Recess.)

19 BY MR. IVEY:

20 Q We were asking about the papers, the
21 paperwork issue, and by that you meant journals,
22 diary, something along those lines.

1 A Yeah. They weren't looking to look at
2 everything in the office.

3 Q You also said that a trained officer might
4 see things that a layperson might not see.

5 A Right.

6 Q What were you referring to there?

7 A Well, things like the insurance papers in a
8 file and you know, I guess, canceled checks for his
9 insurance, things like that.

10 Q Do you have any training or experience
11 about privileged documents, legal definitions of
12 privilege or anything like that, attorney-client
13 privilege, say, for example?

14 A Yes.

15 Q What's your understanding of what
16 attorney-client privilege is?

17 A Well, what a person discusses with their
18 attorney is privileged and cannot be told to anybody
19 else. And if an attorney broke that, he would be
20 disbarred.

21 Q Do you know if Mr. Foster was an attorney
22 or not?

1 A That is my understanding since this has all
2 been publicized.

3 Q And do you know if any of the documents in
4 his office were privileged in any way,
5 attorney-client or any other?

6 A I don't know.

7 Q Would that be something that you feel an
8 officer would be trained to recognize by reviewing
9 the documents, what might be privileged?

10 A I guess it would depend on what it was. I
11 don't know.

12 Q Did you ever receive any training for
13 something like that?

14 A It was basically as to what it was that's
15 taught to you, what specifically a particular
16 document would look like that was not shown.

17 Q You also testified earlier you were not
18 aware of another circumstance where, I take it, the
19 investigators weren't allowed to go through papers.
20 Am I misquoting you?

21 A I don't know. I'm not with the context of
22 how it was --

1 Q I think it's follow-up to the questions
2 about --

3 A Can you restate it?

4 Q -- Markland being upset about not being
5 able to look at papers at the White House, that you
6 were not aware of another circumstance where again
7 they, I take that to mean Park Police investigators,
8 were not allowed to go through papers.

9 A I'm losing the train of thought right now.

10 MR. GIUFFRA: You've been doing this too
11 long this morning.

12 BY MR. IVEY:

13 Q Let me do it this way. In most suicide
14 investigations that you've been connected with, I
15 take it from this comment that the investigators have
16 always been allowed to look through the paperwork of
17 the deceased?

18 A Oh, yeah, usually the deceased family works
19 with you and cooperates.

20 Q In the suicide cases you've been involved
21 with, have they involved decedents that have been
22 high-level government officials?

1 A No.

2 Q Have they involved decedents who have been
3 high-level private sector officials?

4 A No.

5 Q Is it fair to say those cases might be
6 different from the cases you worked on?

7 A Oh, yeah.

8 Q Why would you say they're different?

9 A Well, the other suicide that I had
10 mentioned that I worked on was dealing with an
11 individual who was an unemployed artist who was
12 suffering from depression and jumped off a bridge in
13 Georgetown and killed himself. So it wasn't a case
14 of somebody who was leading a very high-profile,
15 high-pressure life with a family and children to take
16 care of.

17 Q Would it be fair to say that that
18 individual was not likely to have in his possession a
19 lot of sensitive documents -- personal documents to
20 him, but not sensitive publicly to some major company
21 or something like that?

22 A That's correct.

1 Q Now, you testified this morning that you
2 never spoke to Hume about the office being sealed
3 after you mentioned it to him first thing in the
4 morning on July 21st.

5 A Right.

6 Q You did learn subsequently that the office
7 had not been sealed?

8 A Right.

9 Q Do you recall how you learned that?

10 A I think when I talked to Tim Squires that
11 afternoon on the telephone. It was either then or
12 the following week, because I went on to my days off,
13 I believe, after that, if I recall correctly. I'd
14 have to look at a calendar to see what day of the
15 week the 20th was.

16 Q It was a Tuesday.

17 A It was a Tuesday? Oh, then I probably
18 would have been back in on Thursday.

19 Q Now, when you testified last summer, you
20 were asked if you had inquired about whether
21 Mr. Foster had -- let me read it to you. This is
22 from page 543 of the committee report from last

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1 summer.

2 "Question: Did you ever find out whether
3 he had an office in the home?

4 "Answer: No.

5 "Question: Did you find out whether he had
6 any business or work papers at home?

7 "Answer: No."

8 Why was it that you didn't -- well, where
9 would that be on your list of priorities at a death
10 notification, checking to see if he had a home office
11 and checking if he had any work papers at home?

12 A Well, I mean, after the notification itself
13 and in trying to sit down and get it -- that would be
14 in with the sitting down and getting the information
15 as to where we might find information about
16 Mr. Foster.

17 Q But you weren't able to get to that because
18 of the chaotic scene?

19 A Yeah.

20 MR. IVEY: That's it for me.

21 MR. GIUFFRA: I have just a couple of
22 questions.

EXAMINATION

BY MR. GIUFFRA:

Q There were some questions about where sealing of the office ranked in the list of priorities.

A Right.

Q When you find the body, your first priority is to seal that?

A Right.

Q Then you go and notify the family and then that becomes a priority. Once you've done the notification, sealing the office obviously moves up on your list of priorities?

A Right.

Q And becomes, would you say, fairly high on your list of priorities?

A Yeah. I mean --

Q The next step?

A Yeah. I mean, to me, that was something that would need to be accomplished. It wasn't something that I expected to do that night.

Q Similarly, when you actually went and

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looked at the documents in someone's office, you would first, let's say, look for a note on the desk?

A Uh-huh.

Q Then you might look for a diary if you didn't find a note on the desk.

A Right.

Q If there was nothing in the diary, you might look to the next set of documents, maybe a desk drawer file?

A I guess. I mean, we would do whatever would be reasonable.

Q Do you know whether Park Police investigators were given an opportunity to review all documents in Vincent Foster's office that they sought to review?

A I don't know.

Q This is the last question. When you left the notification scene at 10:45 or 11:00, had you ruled out that Foster's death was a homicide? Were you certain it was a suicide at that point?

A Oh, I was still fairly comfortable with the fact that it was a suicide. I had not obtained any

1 information to indicate that it was anything other
2 than a suicide.

3 Q Had you ruled out anything other than a
4 suicide?

5 A No, I would have been remiss to totally
6 discount looking at other things.

7 Q For example, until you find a suicide note,
8 you have to --

9 A No, because not everybody leaves a suicide
10 note.

11 Q But do further investigation?

12 A Yeah, a lot of follow-up still had to be
13 done to show, you know, yes, he was depressed, no, he
14 wasn't depressed. He had had -- through the White
15 House we may have found out that he had X number of
16 death threats made against him. There was a lot of
17 things that still needed to be done.

18 Q If, for example, there were documents in
19 his office that indicated he was involved in illegal
20 activities, that would be something that you would
21 want to know in the course of making this
22 determination?

1 A I don't know that it would be something
2 that we would necessarily want to know. However, if
3 it were something that came to our attention while we
4 were going through his office, it would be something
5 that we couldn't technically ignore.

6 Q And that would be relevant to determining
7 what his state of mind was?

8 A It would, yes.

9 MR. GIUFFRA: No further questions.

10 EXAMINATION

11 BY MR. IVEY:

12 Q Let me ask you about the last point there.
13 When you execute a search warrant, you find what you
14 list out what it is you're looking for; is that
15 right?

16 A Right.

17 Q And when you get consent from somebody to
18 search, you tell them what you're looking for; is
19 that right?

20 A Yeah, for the most part.

21 Q And if you don't tell them or if you don't
22 say in the affidavit what you're looking for, then

1 you exceed the scope of the search that you've gotten
2 permission to conduct?

3 A Yeah, you can.

4 Q So would it be fair to say that if you had
5 gone to Foster's office, you wouldn't have been
6 looking for illegal activity? Did you have any
7 reason to suspect that there was any illegal activity
8 that he was connected with?

9 A No, I had never heard of Mr. Foster before
10 he committed suicide, so all this illegal activity
11 came up subsequent to his death.

12 Q What illegal activity are you referring to?

13 A All the information about Whitewater and
14 everything came up in the news afterwards. I didn't
15 know anything about that prior to Mr. Foster's
16 suicide.

17 Q Do you know if the Whitewater matter is
18 illegal at all?

19 A I don't honestly know. I think that's
20 still being investigated.

21 Q And as far as -- if you had suspected that
22 there were any illegal activity, would you have tried

1 to get a search warrant?

2 A Oh, yeah.

3 Q Would that have been the proper course?

4 A Yes.

5 Q Would it have been possibly illegal to
6 conduct a search looking for something but without
7 having gotten consent to conduct that type of a
8 search?

9 A Yes, but we weren't looking for illegal
10 things when we went to the office. We were looking
11 for things that, either one, we had a suicide or we
12 didn't have a suicide.

13 Q When Mr. Giuffra asked you about illegal
14 activity, to the best of your knowledge, was there
15 any illegal activity that's connected with Mr. Foster
16 that you knew about on the 20th or that you learned
17 about subsequently?

18 A No.

19 Q So his question to you was a pure
20 hypothetical, is that fair to say?

21 A Yes.

22 Q And your response to the hypothetical was

1 not grounded in any facts in this case?

2 A Yeah.

3 Q Mr. Giuffra asked you when you search in
4 the office, you look on the desk and if you don't see
5 anything there, you go into a drawer. Would that be
6 the way you'd go about this?

7 A Actually, probably what I would do if I was
8 in that position would be I would have a secretary --
9 I would ask her to give me his appointment book, his
10 calendar, any journal that he kept of his daily
11 activities. And if -- usually, if somebody was going
12 it leave a suicide note, they'd leave it where it was
13 pretty easy for somebody to find.

14 Q For somebody like Mr. Foster who
15 conceivably might have thousands of pages of
16 documents in his office, would you think that Park
17 Police investigators would go through all of those
18 thousands of pages or would they try and seek
19 guidance like you just described?

20 A I would seek guidance. I would assume that
21 another investigator would also seek guidance.

22 MR. IVEY: No further questions.

1 MR. GIUFFRA: That's it. Thank you very
2 much.

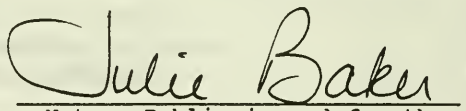
3 (Whereupon, at 1:04 p.m., the deposition
4 was concluded.)

5
6 -----
7 CHERYL A. BRAUN
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CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.


Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

[illegible]

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription

5/10/94

Sergeant CHERYL ANN BRAUN, U.S. Park Police (USPP) was advised of the identities of Agents _____ and _____

She was informed that the FBI was conducting an ongoing investigation into the death of VINCENT FOSTER and wished to interview her for any information or assistance she could render.

Sergeant BRAUN advised that on July 20, 1993, she was working in the Investigative Branch of the USPP, working a 2:00 - 10:00 p.m. shift. She stated that she and two other investigative officers, JOHN ROLLA and RANDY ABT, were at the Anacostia Park Station when the call first came in regarding the finding of a dead body at Fort Marcy Park. Officer BRAUN stated that as best she recalls, she inquired by police radio if it appeared natural or suspicious and one of the officers at the park responded that it appeared suspicious. She instructed them by radio to close the park gate.

BRAUN stated that she and Officers ROLLA and ABT then proceeded to the park, estimating her arrival somewhere between 6:30 and 6:45 p.m. As she pulled into the park entrance, she noted a dark colored disabled Mercedes with hazard lights on. In the Fort Marcy parking lot, she recalls two cars, one of which was later identified as MR. FOSTER's car, and a second car, towards the rear of the lot, belonging to a man and a woman who were in the process of being questioned by USPP Officer JULIE SPETZ. Sergeant BRAUN stated that she believes LT. GAVIN, USPP Shift Commander was also at the parking lot, adding that he left fairly quickly after she arrived with fellow investigators.

Sergeant BRAUN stated that she was the senior investigator on the scene, adding that she initially participated in questioning a man and a woman who had been found in the park by Officer SPETZ. She advised that as best she recalls, she, ROLLA and ABT remained in the parking lot for about 5 or 10 minutes, awaiting the arrival of evidence officer PETER SIMINELLO. She stated that to the best of her recollection, she,

Investigation on 4/28/94 at 5/3/94 File # 29D-LR-35063

by _____ Date dictated 5/4/94

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Continuation of FD-302 of CHERYL ANN BRAUN, On 4/28/94, Page 2

SIMINELLO, ROLLA and ABT all walked up to the death scene together.

Sergeant BRAUN stated that the body was lying approximately fifteen to twenty feet in front of "the second cannon" in the center of a steeply sloped path on the downside of a berm or hill. She stated that the head was at the top of the slope, with the body extending down the slope, positioned flat on its back, hands by side. BRAUN stated that there was thick foliage on both sides of the body. To some degree, the foliage extended out over the body, making it difficult to see. BRAUN stated that she recalls seeing a revolver in the right hand, pointing out that she was looking for the gun as she had already been informed that it was a suicide. BRAUN states that she clearly recalls blood in the area of the nose running down the right side of the face; she can't say for sure, but she vaguely recalls some trace of blood around the mouth and also traces of blood on the right shoulder of the shirt. BRAUN stated that by the time she had viewed the body, a heavy concentration of flies were around the mouth, nose and eyes. BRAUN further stated that the head was tilted up and back, with the eyes partially opened, looking straight up towards the sky.

Sergeant BRAUN advised that shortly after arriving at the death scene, Officer JOHN ROLLA began taking polaroid pictures; she stated that at approximately the same time or possibly shortly thereafter, PETE SIMINELLO also began taking 35mm photographs. She stated that both ROLLA and SIMINELLO worked their way around the body taking both polaroids and 35mm photographs from various angles. As she recalls, JOHN ROLLA, while taking photographs of the body, discovered a pair of eyeglasses approximately ten feet below the body on the down side of the berm. She stated that to the best of her recollection, this was the only other physical evidence found in the vicinity of the body, adding that she has no recollection of a wine bottle being found near the right side of the body. Sergeant BRAUN recalled specifically looking around the area for any possible suicide note, but found none. Sergeant BRAUN stated that to the best of her recollection, both 35mm and polaroid photos were taken prior to the time that any of the Park Police officers touched or disturbed the body. Sergeant BRAUN advised that at one point prior to her going back down to the parking lot, she observed Officer ROLLA check the pants pockets, both sides and rear, in an effort to find identification or possible suicide

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Continuation of FD-302 of CHERYL ANN BRAUN , On 4/28/94 , Page 3

note. She stated that ROLLA, in doing this, did move the body slightly, possibly rolling it to its right and left. Sergeant BRAUN pointed out that Officer ROLLA, in checking the pockets, did not discover the car keys, adding that she and he later had to go to Fairfax Morgue where she recovered the car keys in the right pants pocket.

Sergeant BRAUN advised that at some point, she and Officer SIMINELLO went back to the parking lot to check the car, adding that she took several polaroid pictures and Officer SIMINELLO took 35mm photos of the car. She stated that she began a search of the car and found a suit jacket with a wallet inside and White House identification on the front passenger seat. BRAUN stated that she advised another officer to call the Shift Commander and inform him of this new development while she continued to search the car. She advised that approximately thirty minutes passed whereupon she learned that the Shift Commander had never been notified and she then, herself, called, advising him of the White House identification at approximately 7:30-7:45 p.m. Sergeant BRAUN stated that at about the time she was completing the search of the car, the coroner and ambulance arrived to remove the body and take it to Fairfax County Hospital (morgue). She advised that she did not learn until later that MR. FOSTER was a Deputy White House Counsel.

Sergeant BRAUN advised that while she and Officer ROLLA were in route to the hospital in an attempt to retrieve the keys from the body, she was contacted by the Shift Commander with instructions to call a White House Official named DAVID WATKINS, a friend of the FOSTER family who wanted to accompany the police officers to the FOSTER home when the family was notified of his death. Sergeant BRAUN stated that she and Officer ROLLA did telephonically contact WATKINS, agreeing to pick him up at his home prior to going to the FOSTER residence. Sergeant BRAUN advised that she and ROLLA were again contacted by the Shift Commander by car phone with follow-up instructions to call a White House Official named KENNEDY. She stated that upon calling KENNEDY, he requested that he and a MR. LIVINGSTONE of the White House be permitted to view the body at Fairfax Hospital. To the best of her recollection, either she or JOHN ROLLA called the hospital, identifying themselves as Park Police and instructing the hospital officials to let a MR. KENNEDY and LIVINGSTONE view the body but not to disturb or remove any objects.

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Continuation of FD-302 of CHERYL ANN BRAUN, On 4/28/94, Page 4

Sergeant BRAUN advised that she and Officer ROLLA then picked up MR. WATKINS at his Georgetown residence (located in fairly close proximity to the FOSTER residence) and gave him a ride to the FOSTER residence. MRS. WATKINS followed in her car. Upon arriving at the FOSTER home, they were met by several individuals, including MR. WEBB HUBBELL, SHEILA ANTHONY (FOSTER's sister), and another woman who she believes was also related to FOSTER. Officer BRAUN stated that the entire group entered the residence together and Officer ROLLA introduced himself to MR. FOSTER's daughter, LAURA, informing her that he needed to speak to her mother.

Sergeant BRAUN stated that as best she recalls, MRS. FOSTER came downstairs fairly quickly and while she was still standing on one of the lower steps, Officer ROLLA informed her with words to the effect that "He was sorry but he had to inform her that her husband was dead."

She stated that Officer ROLLA did have some success in attempting to talk to MRS. FOSTER, making inquiry as to a possible suicide note or any knowledge she might have of a weapon. Sergeant BRAUN stated that MRS. FOSTER was unable to provide any information regarding a possible suicide note. BRAUN

She stated that ROLLA later informed her that MRS. FOSTER was unable to provide any assistance or information regarding the weapon used by MR. FOSTER. Officer BRAUN stated that at some point, President CLINTON and his Secret Service escort arrived at the residence, adding that there were so many people present, attempting to console and help, that she and Officer ROLLA decided that they could accomplish nothing further that night regarding their investigation and they left.

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Continuation of FD-302 of CHERYL ANN BRAUN, On 4/28/94, Page 5

Sergeant BRAUN stated that if she was needed in the future, she could be reached at her work number (301) 492-6293. She concluded by stating that after leaving the FOSTER residence that evening and assisting Officer ROLLA in writing reports, she had no further involvement in this investigation.

OIC 000265

[Faint, illegible text]

David Watkins
Z 000652

REDACTED

271 PLEASE CALL SIGNAL FOR A CALL FROM THE CHIEF OF
 88271 STAFF...OP15
 88271 Deleted by PAGER
 88271 PLEASE CALL SIGNAL SWBD FOR CALL HOLDING WITH
 88271 DEE DEE MYERS
 88271 Deleted by PAGER
 88271 PLS CALL INV. BRAUN AT 202-690-5050...SIG42
 88271 Deleted by PAGER
 88271 PLS CALL 202-456-7502...OP 12
 88271 Deleted by PAGER

09 14p0720FF21140720
 FF21140720
 FF21140720
 11:17p0720FF21170720
 FF21170720
 FF21170720
 12:57a0721SG00570721
 SG00570721
 04:18p0722SG16180722
 SG16180722

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 Z 000653

**DEPOSITION OF BRENT JAMES CHINERY
IN RE: S. RES. 120**

MONDAY, JUNE 19, 1995

**U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.**

Deposition of BRENT JAMES CHINERY, called for examination pursuant to notice of deposition, at 1:13 p.m. in Room 534 of the Dirksen Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
LANCE COLE, Esq.
Minority Deputy Special Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

ROBERT M. McNAMARA, JR., Esq.
Assistant General Counsel, Enforcement
U.S. Department of the Treasury
Washington, DC 20220
On behalf of the Deponent.

APPEARANCES

TIMOTHY M. FOLEY, Esq.
Special Agent/Attorney
U.S. Secret Service
Office of Chief Counsel
1800 G Street, NW
Room 842
Washington, DC 20223
On behalf of the Deponent.

ALSO PRESENT: NGUYEN-HONG HOANG
VINCENZO A. DELEO

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by Mr. Johnson	4
by Mr. Cole	66

EXHIBITS

DEPOSITION NUMBER	IDENTIFIED
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Exhibit 2	50, 140

1 PROCEEDINGS

2 Whereupon,

3 BRENT J. CHINERY

4 was called as a witness and, having first been duly
5 sworn, was examined and testified as follows:

6 EXAMINATION

7 BY MR. JOHNSON:

8 Q Good afternoon, Mr. Chinery. You and I
9 have had an opportunity to introduce ourselves off
10 the record, but, for the record, let me just tell you
11 again who I am. My name is Everett Johnson and I'm
12 one of the attorneys working on Majority staff in the
13 special Senate committee investigation into
14 Whitewater and related affairs. Also with me is
15 Vincent Deleo, who you met off the record. He's with
16 the Majority staff. And present in the room are
17 Lance Cole, who is an attorney with the Minority
18 staff, and Nguyen-Hong Hoang, also with the Minority
19 staff.

20 Together we're going to ask you a series of
21 questions generally related to the topic of the
22 handling of documents at Vince Foster's office at or

1 around the time of his death. Our inquiry is really
2 occasioned by or authorized by Senate Resolution
3 Number 120, which authorizes the Committee for which
4 we all work to investigate this and other topics, and
5 that's the authority by which we're present today.

6 Have you had any occasion in the past to
7 have your deposition taken?

8 A By --

9 Q Just have you ever given sworn deposition
10 testimony?

11 A No.

12 Q Let me just spend a moment on the
13 procedures, although they're not complex. As you
14 know, the court reporter has administered an oath.
15 I, and Lance in a little while, will ask you a series
16 of questions and we'll ask you to respond to those
17 questions.

18 Ms. Baker is our shorthand reporter and
19 she'll make a verbatim transcription of the questions
20 I ask you and the questions Lance asks you and the
21 answers you give. And because she's making that
22 transcription that we together try and remember to do

1 two things: One is to not speak while someone is
2 speaking, because even though we might understand
3 each other perfectly well, she can't record
4 simultaneous speaking. And the other is to answer
5 verbally and not with gestures or nods, because she
6 also can't record those. I'll try and make my
7 questions just as clear as I can possibly make them.

8 I assure you that there's nothing that I'm
9 going to ask you today that's intended to be the
10 least bit tricky or deceptive. I will sometimes fail
11 in making those questions clear and that won't always
12 be obvious to me, so if I've said something that you
13 don't understand, doesn't make sense to you, feel
14 free to tell me you don't understand the question and
15 I'll try my best to make it a sensible question.
16 Otherwise, if no one has said anything, I'll assume
17 that everyone understood the question and we're on
18 the same page, so to speak.

19 Do you have any questions about any of our
20 procedures here?

21 A No, not at this point.

22 Q Okay, great. If you need to take a break

1 at any time, feel free to say so. If you need to
2 talk to your counsel, feel free to do so. I'm going
3 to break very shortly, in about 10 minutes, but I'll
4 go through the background things first. In preparing
5 to testify here today, did you meet with anyone about
6 the topics of your testimony?

7 A Yes, I did.

8 Q Who did you meet with?

9 A With Tim Foley and Bob McNamara.

10 Q The two attorneys who are present with you
11 today?

12 A Yes.

13 Q I take it you met with them this morning
14 sometime?

15 A Friday.

16 Q And other than that meeting with Mr. Foley
17 and Mr. McNamara, did you meet with anyone else?

18 A No.

19 Q Why don't I just get 30 seconds of sort of
20 your personal background and history with the Secret
21 Service.

22 A Okay. I've been employed by the U.S.

1 Secret Service uniform division for five years. My
2 rank is officer.

3 Q To whom do you report, Mr. Chinery?

4 A It would be our chief of the uniform
5 division.

6 Q What is that person's name today?

7 A David Lindsey.

8 Q And what about on or about July 20, 1993,
9 to whom did you report at that time?

10 A My supervisor was Sergeant Ritz Calahan.

11 Q Can you describe generally your job duties?

12 A I work in the west wing of the White
13 House. I work in the upper lobby. It's like a VIP
14 lobby where guests come in to see the President or
15 the Vice President would come in.

16 Q What floor of the west wing is the upper
17 lobby?

18 A It's considered the first floor.

19 Q I take it -- I apologize for my ignorance.
20 I take it there are floors below that floor of the
21 west wing?

22 A Yes.

1 Q How many floors are there above the first
2 floor of the west wing?

3 A One.

4 Q Have you been stationed in the west wing of
5 the White House for the entire five years with the
6 Secret Service?

7 A No, just the previous two.

8 Q You don't recall specifically the date on
9 which you first began working in the west wing, do
10 you?

11 A No, I don't.

12 Q Our point of reference for today's
13 deposition is in the days surrounding July 20, 1993.
14 I take it you were already working in the west wing
15 at that time?

16 A Yes, I was.

17 Q And I also take it from your answer that
18 you had only been there for two years, that you had
19 recently begun working in the west wing?

20 A Uh-huh.

21 Q Placing it around Mr. Foster's death, do
22 you have a ballpark sense of how many weeks or months

10

1 you'd been working in the west wing prior to that?

2 A I would say approximately nine months.

3 Q In that nine-month period, was your primary
4 duty to work in the VIP lobby as you've described it?

5 A Yes, it was.

6 Q Was there ever a time prior to the time
7 that Mr. Foster's death when you were stationed
8 somewhere else in the west wing?

9 A No.

10 Q I think you mentioned that your immediate
11 supervisor was Sergeant Calahan?

12 A Uh-huh.

13 Q To whom did Mr. Calahan report at that
14 time, do you know?

15 A It would be the watch commander. I don't
16 recall who was on duty that day.

17 Q That changes every day, I take it?

18 A Yeah.

19 Q Does that person have the same title even
20 though the person may change?

21 A Yes, it's the same person.

22 Q Mr. Chinery, what level of security

1 clearance are you required to have for your job?

2 A Let me consult with my attorney.

3 Q Sure.

4 (Witness conferred with counsel.)

5 THE WITNESS: It would be FBI background
6 investigation.

7 BY MR. JOHNSON:

8 Q If I'm wandering into territory that's
9 sensitive in some way I'll trust you to tell me. At
10 the end of that background investigation, do you get
11 a particular kind of clearance like secret or top
12 secret or anything of that kind?

13 A No.

14 Q In the period of time that you worked with
15 the Secret Service uniformed division prior to being
16 stationed in the White House, Mr. Chinery, where were
17 you stationed?

18 A I was stationed at the White House.

19 Q I take it but not in the west wing?

20 A No, not in the west wing.

21 Q Let me ask you to describe, if you could,
22 please, the physical layout of the White House

1 counsel's office, and by that, I mean just generally
2 its location, how one would get there.

3 A It's located on the second floor of the
4 west wing. From where I'm stationed at, you would
5 have to take the stairs located behind the lobby to
6 get up to it.

7 Q So anyone entering through your station
8 would pass by a security point; is that correct?

9 A Yes.

10 Q At that security point, do you maintain a
11 log of everyone who enters the west wing?

12 A Regarding a staff person that works there
13 or an appointment coming in to see someone?

14 Q That's a good point. Either one.

15 A Just appointments.

16 Q But a person who works in the west wing can
17 simply pass through the security?

18 A Yes.

19 Q And you don't maintain any records, I take
20 it, at your point of who comes and goes?

21 A No, I don't.

22 Q So if I were entering the west wing and I

1 entered into the VIP lobby and my intention was to go
2 up to the counsel's office on the second floor, would
3 I pass through any security checkpoints other than
4 the one you've described in the VIP lobby?

5 A No, not on my level.

6 Q What about on the next level?

7 A No.

8 Q Perhaps I misunderstood you, but I thought
9 I understood you to say that there may be other ways
10 to get into the counsel's office other than through
11 the VIP lobby; is that correct?

12 A If you came into the basement of the west
13 wing, it would be.

14 Q Is there a security guard stationed at the
15 basement?

16 A Yes, there is.

17 Q And a similar question about the kinds of
18 records that may be kept at that station. Do they
19 maintain a log of visitors only, or would they have a
20 record of staff coming and going?

21 A There would be no record of staff.

22 Q To the best of your knowledge, Mr. Chinery,

1 does any Secret Service personnel keep a log of staff
2 entering or leaving the White House?

3 A Not to my knowledge, no.

4 Q Is there any way today to know who may have
5 come or gone from the White House during the days of
6 July 20, 1993 and the next few days? Is there any
7 record that one might check?

8 A As far as a staff person?

9 Q Employees generally.

10 A Not that I'm aware of.

11 Q If someone drove a car to the White House,
12 is a log maintained of vehicles that enter or exit
13 the grounds?

14 A I have no knowledge of that.

15 Q I should ask that question of someone else,
16 I take it?

17 A Uh-huh.

18 Q Now, we've figured out so far that one can
19 get into the second floor of counsel's office through
20 the VIP lobby or through the basement lobby. Are
21 there other ways?

22 A No. Those are the only two I'm aware of.

1 Q What about from the residence?

2 A Yes, there is.

3 Q Would a person entering from the residence
4 to the second floor of the west wing, your counsel's
5 office, pass by any security checkpoints?

6 A Yes, they would.

7 Q Where is that checkpoint located?

8 A That's by the --

9 MR. FOLEY: We could go off the record for
10 a minute.

11 (Discussion off the record.)

12 BY MR. JOHNSON:

13 Q Is a log maintained by the Secret Service
14 of persons entering the west wing area from the
15 residence?

16 A Not that I'm aware of.

17 Q So just to pick the most obvious example,
18 if the President walks from the residence into the
19 west wing, no one keeps a record of when he came or
20 entered or anything of that kind?

21 A I want to consult with my attorney.

22 Q Sure.

1 (Witness conferred with counsel.)

2 MR. MC NAMARA: Can we research that? I
3 think we need to go back and see if we can give you
4 that information. Is that possible?

5 MR. JOHNSON: Absolutely. And if the
6 problem is caused by the fact my hypothetical
7 involves the President, I'll change my hypothetical
8 because I meant that to be the easiest one, not the
9 hardest one.

10 MR. MC NAMARA: Could we talk about the
11 staff?

12 MR. JOHNSON: Sure.

13 BY MR. JOHNSON:

14 Q Suppose a staff person enters the west wing
15 offices from the residences, is there any log or
16 documentation?

17 A No, there's not.

18 Q We've talked about three possible means of
19 entrance into the west wing area. Are there others?

20 A No.

21 Q What about if a person was coming into the
22 west wing from the Old Executive Office Building,

1 would they pass through one of the three security
2 checkpoints that we've described?

3 A Yes, they would.

4 Q I take it that would be the basement one?

5 A Uh-huh.

6 MR. JOHNSON: With my apologies, if we
7 could take a five-minute break, I'll be right back.

8 (Recess.)

9 BY MR. JOHNSON:

10 Q Mr. Chinery, when a staff member passes
11 through the various checkpoints that we've described,
12 for example, in your VIP lobby, do you inspect any of
13 the contents of their briefcase or any documents or
14 anything of that kind?

15 A No, we don't.

16 Q Is it fair to say they have more or less
17 unlimited right of egress and ingress?

18 A Yes.

19 Q I apologize again for my ignorance. The
20 counsel's office, I take it, is located on the second
21 floor of the west wing; is that correct?

22 A Yes, that's correct.

1 Q How many offices comprise the counsel's
2 office more or less?

3 A Three.

4 Q And are they segregated in any way from
5 other offices that may be on the second floor of the
6 west wing?

7 A No, they're not.

8 Q There's not, for example, a single entrance
9 area with a secretary or anything of that kind?

10 A Not that I'm aware of.

11 MR. JOHNSON: Off the record.

12 (Discussion off the record.)

13 BY MR. JOHNSON:

14 Q Once the person is in the west wing of the
15 White House, can they pass freely among the floors in
16 the west wing of the White House?

17 A Yes.

18 Q Without -- and I understand we may have
19 witnesses later in time who are more technically
20 equipped to answering these questions, but I take it
21 there is an internal alarm system, at least in the
22 counsel's office on the second floor; is that

1 correct?

2 A I'd like to consult with my attorney.

3 Q Sure.

4 (Witness conferred with counsel.)

5 THE WITNESS: Yes, there's an alarm.

6 BY MR. JOHNSON:

7 Q Please, without revealing any of the
8 confidential details about that, generally speaking,
9 is the White House counsel's office, which we've
10 described as three separate rooms, I believe,
11 separately alarmed from other segments of the second
12 floor of the west wing?

13 A Yes, it is.

14 Q And does each office of the three that
15 we've described have a separate alarm attendant to
16 each office?

17 A I need to consult with my attorney.

18 (Witness conferred with counsel.)

19 THE WITNESS: If we could limit that more
20 to interior alarms as opposed to any broader windows
21 or things of that nature.

22 MR. JOHNSON: Absolutely.

20

1 BY MR. JOHNSON:

2 Q We're speaking only about interior door
3 alarms.

4 A Can you repeat your question?

5 Q The question was, does each of the three
6 offices have a separate alarm?

7 A No, they don't.

8 MR. JOHNSON: Off the record a second.

9 (Discussion off the record.)

10 BY MR. JOHNSON:

11 Q Mr. McNamara has been kind enough to show
12 me a diagram of the area that was produced by the
13 Treasury Department in response to our document
14 request. And, for the record, it's bearing document
15 identification number 6255 and, for the record,
16 appears to be a diagram of the three-office suite
17 that you've been describing to me.

18 Let me ask you first of all, Mr. Chinery if
19 that is, in fact, a diagram of the three office suite
20 we've been talking about?

21 A Yes, it is.

22 Q And it's been shown on the diagram produced

1 to us an office marked "Bernie Nussbaum," which is
2 the large corner office and a smaller office adjacent
3 to that marked "Vince Foster" and a third office
4 called -- looks like "counsel reception area." Can
5 you show me just by indicating on here where the
6 alarm -- let me rephrase that in a way that doesn't
7 cause anybody to struggle with the question.

8 I take it there's a single alarm that
9 controls ingress and egress to at least the interior
10 of these three offices; is that right?

11 A Yes, there is.

12 Q And am I correct in assuming that alarm is
13 triggered when someone goes through the door to the
14 counsel reception area?

15 A Yes.

16 Q And it is not, therefore, triggered if
17 someone is in that area and enters, for example,
18 Mr. Foster's office from Mr. Nussbaum's office, that
19 would not trigger an alarm?

20 A I need to consult.

21 (Witness conferred with counsel.)

22 No, it wouldn't.

1 Q And maybe to close off on what I concede is
2 an obvious point, once you're inside the alarmed
3 area, I take it you can move freely about this
4 three-office suite without setting off any alarms?

5 A Yes.

6 Q And am I correct in assuming that there are
7 no other ways within the White House that one can
8 know about movement within this three-office suite?

9 A Not that I'm aware of.

10 MR. JOHNSON: Off the record for a second.

11 (Discussion off the record.)

12 BY MR. JOHNSON:

13 Q Mr. Chinery, generally speaking now, we're
14 still talking about the alarm on the -- the alarm
15 system that is triggered by entry into the counsel
16 receptionist area in the three-office suite. In a
17 normal day and without revealing anything
18 confidential, how is this alarm turned on and off?

19 A By a switch.

20 Q And by whom?

21 A It would be an authorized staff person.

22 Q Would that include, for example,

1 Mr. Foster?
2 A Yes.
3 Q And Mr. Nussbaum?
4 A Yes.
5 Q And their secretaries?
6 A Yes, if they're on the access list.
7 Q And again, I just want to inquire generally
8 about the practice here. What procedure, if any, is
9 in place to assure that that alarm is turned on when
10 these offices are vacant?
11 A As far as who's authorized?
12 Q Well, I'm not asking very good questions,
13 but the point is really this: Suppose it's Friday
14 evening. Does someone have the responsibility to
15 make sure that this alarm is on?
16 A Yes.
17 Q And who is that?
18 A I need to consult.
19 (Witness conferred with counsel.)
20 THE WITNESS: It would be our control
21 center.
22 BY MR. JOHNSON:

1 Q By your control center, you mean the Secret
2 Service control center?
3 A Yes.
4 Q Does it conduct routine checks to see
5 whether the alarm is on or off?
6 A Yes, they do.
7 Q And I'm assuming, but tell me if I'm wrong,
8 that really at any time Mr. Foster or Mr. Nussbaum or
9 anybody on the access list can enter simply by
10 disarming the alarm?
11 A Yes, that's correct.
12 Q They don't need a Secret Service agent or
13 anyone else to get in?
14 A No.
15 Q Is there any way of knowing, on the records
16 that you know of, who has activated or deactivated an
17 alarm?
18 A I don't see the records, so I'm not aware
19 of any of that.
20 Q Is access to this office through the alarm
21 broader than Mr. Foster, Mr. Nussbaum, their
22 respective secretaries and the Secret Service? Are

1 there others in the White House staff who have access
2 to that office when it's alarmed?

3 A Not that I'm aware of.

4 Q Let me ask you just a couple of other
5 general questions, if I could. I take it there's a
6 regular trash removal practice in the west wing; is
7 that right?

8 A Yes.

9 Q Just generally speaking, how does that
10 work?

11 A It's collected by General Services
12 Administration, GSA.

13 Q How frequently?

14 A I'm not sure of their schedule.

15 Q Is it your best guess that they come every
16 day?

17 A I would assume so, yes.

18 Q Do you know whether they come at the
19 conclusion of sort of normal business hours, in the
20 evening?

21 A I believe it varies. It depends if there
22 are still people working in the office.

1 Q Have you ever seen them come and remove
2 trash in your time there during the regular business
3 day? Would they walk right into someone's office and
4 take trash out during the day?

5 A No.

6 Q Just trying to be general, typically,
7 that's an evening event?

8 A Yes.

9 Q Have you ever seen it happen very early in
10 the morning before normal business hours?

11 A Not that I'm aware of.

12 Q How is it physically removed, Mr. Chinery?

13 A It's put into a garbage bag and the
14 cleaning team removes it.

15 Q I realize I should be asking these
16 questions of the person who does it, but you have, at
17 least for me, the disadvantage of being the first
18 deponent. Do they dump them into a bin, go from
19 office to office and dump them into a common bin?

20 A I'm not aware of their practice.

21 Q Is there any Secret Service examination of
22 the trash?

1 A Not that I'm aware of.

2 Q Where is it physically disposed, if you
3 know?

4 A I don't know that.

5 Q If a cleaning person were taking trash out
6 of an office through your VIP lobby, you wouldn't
7 stop them, I take it, to look at the trash?

8 A No.

9 Q Let me return, if I could, please,
10 Exhibit 6255, which you've identified as the internal
11 diagram of counsel's suite. Do you know,
12 Mr. Chinery, whether or not there was physically a
13 safe located in Mr. Foster's office at or about the
14 time of his death in 1993?

15 A I do not know that.

16 Q Would you have any reason to know whether
17 or not there are any safes located in the internal
18 suite at all?

19 A I don't know.

20 Q More questions that are probably unfair and
21 you may not know the answer to. I'll just ask them
22 because you're here. Do each of these offices have

1 personal computers in them?

2 A I don't know that, no.

3 Q What about -- generally speaking, in these
4 offices, do you know whether the telephone system has
5 a voice mail capability, for example, if you get a
6 telephone call in your office --

7 A Yes, they do.

8 Q I take it you would not be the person to
9 ask where, if at all, those recordings are
10 maintained?

11 A No.

12 Q Let me ask you just a couple more,
13 Mr. Chinery, sort of generic questions. The alarm
14 system that we've talked about and the door to the
15 counsel's suite, can that be activated from both
16 inside and outside the suite?

17 A No, it can't.

18 Q Where can it be activated from?

19 A Inside.

20 Q Just inside. And when that system is
21 activated, is there any way to know, to the best of
22 your knowledge, whether the person who activated the

1 system is inside or outside the suite?

2 A It would be inside.

3 Q I can tell by your answer that my question
4 wasn't very good. Suppose hypothetically that the
5 receptionist turns on the alarm. Can she then remain
6 in the suite after the alarm is on without setting it
7 off?

8 A I need to consult.

9 (Witness conferred with counsel.)

10 (Discussion off the record.)

11 BY MR. JOHNSON:

12 Q Another question I neglected to ask you is
13 whether or not there's something in the west wing of
14 the White House called a burn bag. Do you have any
15 familiarity with that?

16 A Yes, there is.

17 Q What is that?

18 A It's where they put classified material to
19 be disposed of.

20 Q And earlier, I was asking you about
21 disposal of trash. Did you exclude from your answers
22 the trash that would have been placed in the burn

30

1 bags or is that handled in the same way?

2 A No, it's handled differently.

3 Q How are burn bags handled?

4 A The burn bags are collected by the Secret
5 Service uniform division.

6 Q How frequently is that done?

7 A Once a day.

8 Q And is that done in every office, at least
9 in the counsel's suite?

10 A I'm not aware of the policy as far as burn
11 bags, when they collect them or they don't and which
12 individual office.

13 Q And I take it you don't yourself?

14 A No, I do not collect them.

15 Q What happens to the materials -- strike
16 that, Julie.

17 Is there a separate container in each of
18 the offices that has a burn bag or some other
19 denomination on them so the officers know what to
20 collect?

21 A Again, I don't deal personally with the
22 burn bags so I don't know if they have a certain bag

1 or whatever.

2 Q Realizing that this is not an area of your
3 special expertise, do you have any understanding what
4 time of day, generally speaking, the burn bags are
5 collected?

6 A I believe it's in the evening.

7 Q Fair to say after normal business hours in
8 the evening?

9 A Yes.

10 Q Have you ever seen that done in the morning
11 before normal business hours?

12 A No.

13 Q What physically happens to the materials
14 that are collected by the Secret Service?

15 A I do not know what they do with it. I
16 don't collect it, so I'm not sure what the end result
17 is.

18 Q Does the Secret Service review the
19 materials in the burn bag container? Did someone
20 check what was in there?

21 A I'm not aware of their procedure.

22 Q Let me ask you while we're on this topic of

1 the general alarm system in the counsel's office, I
2 take it the cleaning crew has access to get into the
3 office without setting off the alarm; is that
4 correct?

5 A As long as there's an authorized passholder
6 in the office at the time.

7 Q And would that include a Secret Service
8 officer?

9 A Yes.

10 Q So if there wasn't someone in the office,
11 would the cleaning crew come and get a Secret
12 Service --

13 A Yes, they need to be escorted.

14 Q And would the Secret Service agent remain
15 with them for the entire time they were in the
16 office?

17 A Yes.

18 Q Let me just ask you, Mr. Chinery, while
19 you're here, I take it you would recognize by face
20 Mr. Foster when he worked in the White House?

21 A Yes.

22 Q Let me give you some other names and tell

1 me if there are any whose face you don't think you
2 would recognize.

3 I take it you'd recognize Mr. Nussbaum?

4 A Yes.

5 Q And would you recognize Ms. Pond?

6 A Yes.

7 Q Would you have recognized Mr. Foster's
8 secretary, whose name was Gorham?

9 A No.

10 Q And how about Mr. Kennedy, would you
11 recognize Mr. Kennedy?

12 A Yes.

13 Q Would you recognize Mr. Watkins?

14 A Yes.

15 Q Couple of other names that come to mind,
16 and I'm sure we'll think of more as this goes on.

17 What about Mr. Sloan, would you recognize
18 Mr. Sloan?

19 A Yes.

20 Q Mr. Neuwirth?

21 A Yes.

22 Q Would you recognize Ms. Williams?

1 A Yes.

2 Q Ms. Thomasson?

3 A Yes.

4 Q It goes without saying that you'd recognize
5 the President or the First Lady?

6 A Yes.

7 Q Mr. Chinery, where were you physically
8 stationed on July 20th, 193?

9 A I was on my post in the upper lobby of the
10 west wing.

11 Q That's the VIP lobby?

12 A Yes, the VIP lobby.

13 Q Do you remember what shift you were working
14 on that day?

15 A Yes, I do. I was working the afternoon
16 shift.

17 Q What are the hours?

18 A It's from 2:30 in the afternoon until 10:30
19 at night.

20 Q And do you remember learning on that day
21 that Mr. Foster had committed suicide?

22 A No, I didn't.

1 Q So when you left your shift at 10:30 that
2 evening, you had not heard of Mr. Foster's death?

3 A No, I hadn't.

4 Q Do you recall seeing -- notwithstanding the
5 fact that you hadn't heard of Mr. Foster's death, do
6 you recall seeing any unusual degree of activity in
7 the west wing of the White House that evening?

8 A No, I didn't.

9 Q You didn't notice someone coming in late
10 and saying my gosh, why are they here that time of
11 night?

12 A No.

13 Q Do you have today, Mr. Chinery, any way of
14 recalling who was physically present in the White
15 House -- in the west wing of the White House that
16 evening?

17 A No, I don't.

18 Q Just the one in a thousand chance of
19 stimulating a memory, you don't remember whether
20 Mr. Nussbaum was there when you left that evening?

21 A No, I don't.

22 Q You don't remember seeing Ms. Williams or

1 Ms. Thomasson on that evening?

2 A No.

3 Q Would it have been part of your
4 responsibility on that evening to determine whether
5 or not the alarm system was on in the White House
6 counsel's office?

7 A No.

8 Q When do you think that you first learned of
9 Mr. Foster's death, Mr. Chinery?

10 A It would have been the next day, around
11 10:00 that morning.

12 Q Do you recall how you learned?

13 A I believe I saw it on TV.

14 Q When you saw it on TV that morning, did it
15 trigger any memories in your mind about any of the
16 events of the prior evening?

17 A No.

18 Q When you saw it on television, did you call
19 any of your colleagues or friends at the White House
20 to see what was going on?

21 A No, I didn't.

22 Q What is the next thing that you recall in

1 connection with Mr. Foster's death? I know you saw
2 it -- that sounded horrible. Let me try it again.

3 You saw it on the television that morning.
4 Did you have any conversations, or did you learn
5 anything further about Mr. Foster's death before
6 reporting to work at the White House that afternoon?

7 A No.

8 Q Did you report to your normal station in
9 the VIP lobby when you got to work that day?

10 A Yes, I did.

11 Q And what happened when you got there?

12 A As regarding --

13 Q There came a time when you were
14 restationed, I take it, or assigned to go physically
15 guard Mr. Foster's office and I'm trying to figure
16 out exactly how that happened.

17 A I reported to my normal post at the
18 beginning of the work shift.

19 Q And this would be on Wednesday, the 21st of
20 July?

21 A Yes.

22 Q And as lawyers like to say, and then what

1 happened?

2 A It was about 6:00 p.m. that evening that my
3 supervisor, Sergeant Calahan, told me I needed to
4 respond up to the counsel's office to relieve officer
5 Jill Phillips that was posted outside Mr. Foster's
6 office.

7 Q Did Sergeant Calahan explain to you why
8 officers were posted outside Mr. Foster's office?

9 A He gave me a quick briefing.

10 Q It would be impossible, I'm certain, to
11 remember specifically, but generally what did he say?

12 A Generally it was to go up there to make
13 sure nobody removes anything from the office.

14 Q And was that your understanding of your
15 job?

16 A Yes.

17 Q Did Sergeant Calahan or anyone else give
18 you any instructions about who could have access to
19 the office?

20 A No.

21 Q The instructions were silent as to whether
22 or not people could come and go from the office?

- 1 A Correct.
- 2 Q What was your understanding?
- 3 A No one was supposed to remove anything from
4 the office.
- 5 Q I take it, therefore, you understood your
6 instructions to mean that people could come in. It's
7 just that they couldn't remove anything from the
8 office?
- 9 A He just gave us general instructions
10 regarding not to remove anything from the office.
- 11 Q And did you go up to replace Officer
12 Phillips at that time?
- 13 A Yes, I did.
- 14 Q Did you have any conversations with Officer
15 Phillips or anyone else about what had happened
16 during that day?
- 17 A No.
- 18 Q How long, if you know, had Officer Phillips
19 been guarding the office?
- 20 A I believe about an hour.
- 21 Q I'm referring, Mr. Chinery, to document
22 number 6255, which is the internal diagram. Can you

- 1 show me by indication -- and we'll figure out a way
2 to get it on the record -- where you were physically
3 stationed?
- 4 A We were physically right in front of
5 Mr. Foster's door of the -- right there.
- 6 Q Were you inside -- let me try and state
7 this for the record and you tell me if I'm describing
8 it wrong. As you've indicated to me, it suggests
9 that you were inside the reception area just outside
10 the door to Mr. Foster's office?
- 11 A That is correct.
- 12 Q Therefore, it would have been impossible,
13 wouldn't it, for anyone to get into Mr. Foster's
14 office without you seeing them?
- 15 A That's correct.
- 16 Q How long did you remain stationed in the
17 location that you've just described?
- 18 A Approximately about 50 minutes.
- 19 Q That's 50 minutes?
- 20 A Yes.
- 21 Q Is that the only time you were stationed
22 there on that day?

- 1 A Yes, that's correct.
- 2 Q Other than that 50 minutes, were you ever
- 3 stationed there any other time?
- 4 A No.
- 5 Q Just to be clear, the next day when you
- 6 came back, I take it the Secret Service was not
- 7 guarding --
- 8 A Not that I'm aware of.
- 9 Q In the time that you were there, which I'm
- 10 inferring was between roughly 6:00 and nearly 7:00 on
- 11 the evening of the 21st; is that correct?
- 12 A Yes.
- 13 Q Who was physically present in the suite of
- 14 offices, that you recall?
- 15 A It was staff. I believe there were two
- 16 receptionists.
- 17 Q Anyone else?
- 18 A And Mr. Nussbaum.
- 19 Q Anyone else you can think of?
- 20 A Mr. Sloan.
- 21 Q I want to come back to Mr. Sloan. Was
- 22 Mr. Sloan -- strike that, Julie.

- 1 Where was Mr. Sloan?
- 2 A He was walking in and out from the
- 3 reception lobby out to the hallway.
- 4 Q When you say "in and out," do you mean a
- 5 number of times in and out?
- 6 A Once or twice that I recall.
- 7 Q Did he walk into Mr. Nussbaum's office, do
- 8 you recall?
- 9 A I don't recall.
- 10 Q I've got two receptionists, Mr. Nussbaum
- 11 and Mr. Sloan. Did you see anyone else during the
- 12 five minutes that you were there?
- 13 A Yes.
- 14 Q Who else?
- 15 A Tom Castleton, I believe his name was. He
- 16 was an intern there at the time.
- 17 Q Where was Mr. Castleton?
- 18 A He was sitting in the reception area.
- 19 Q For the entire 50 minutes, or some part?
- 20 A Some part.
- 21 Q If you had to guess about how long, how
- 22 many minutes would you guess?

- 1 A 20 minutes to half an hour.
2 Q Did you see anyone else in that suite at
3 that time?
4 A No.
5 Q Did Mr. Nussbaum, to the best of your
6 recollection, come and go during the 50 minutes that
7 you were there?
8 A I believe he stayed in his office in the
9 time I was there.
10 Q Let me ask you the same question about
11 Mr. Sloan. Of the 50 minutes that you were there,
12 was he there the entire time?
13 A He was in and out. I don't know what the
14 breakdown or ratio would be.
15 Q I understand you perfectly, I think, but
16 just so the record will be clear, obviously by "in
17 and out," you mean more than one time?
18 A Yes.
19 Q Did anyone during the time you were there,
20 Mr. Chinery, enter or try to enter Mr. Foster's
21 office?
22 A Yes.
-

- 1 Q Who?
2 A Mr. Sloan.
3 Q Anyone else?
4 A No.
5 Q When Mr. Sloan entered the office, did you
6 speak with him?
7 A Yes, I did.
8 Q What do you recall about that conversation?
9 A I asked him the reason why he needed to go
10 into the office.
11 Q Did you physically stop him?
12 A Yes, yes. I was standing right in front of
13 the door. He had to move me away from it to get into
14 it.
15 Q And as best you recall, that's more or less
16 exactly your words, why do you need to get in here,
17 something to that effect?
18 A Yes.
19 Q What was it that he told you?
20 A He said he needed to replace a garbage bag
21 he retrieved from GSA back into the wastepaper
22 basket.

1 Q Do you think he used the words "from GSA"?

2 A To that effect.

3 Q What, if anything, did you say in response
4 to that?

5 A At that time, Mr. Nussbaum came out of his
6 office and said yes, we need to place that wastepaper
7 bag back into the basket, so then I proceeded to open
8 the door, and he placed the -- the wastepaper basket
9 was sitting next to the door, he stepped in there and
10 placed the bag back into the basket and I secured the
11 door again.

12 Q When you say "he," you mean Mr. Sloan?

13 A Mr. Sloan, yes.

14 Q Did Mr. Nussbaum also enter the office at
15 that time?

16 A No, he didn't.

17 Q You say that Mr. Nussbaum came back out and
18 said we need to place it back into the basket. Came
19 out from where?

20 A His office. I believe he was on the phone
21 at the time, and he overheard me talking to
22 Mr. Sloan.

1 Q To the best of your recollection, did
2 Mr. Sloan say anything other than he needed to place
3 the garbage bag that he had retrieved from GSA back
4 in the wastepaper basket?

5 A No, that was it.

6 Q Did he say when, for example, he had
7 retrieved it?

8 A No, he didn't give me any information other
9 than that.

10 Q When Mr. Nussbaum spoke to you, did he come
11 physically out of his office?

12 A No.

13 Q He just kind of called from the other
14 side --

15 A Yes, from his desk.

16 Q Did you understand Mr. Nussbaum to be
17 saying or attempting to convey to you that it was all
18 right for Mr. Sloan --

19 A Yes, that's the understanding that I had.

20 Q The door to Mr. Foster's office was
21 physically closed, I take it?

22 A Yes, it was.

- 1 Q And you opened that door. Was it locked?
 2 A No.
 3 Q Were the lights on or off when you we want
 4 in?
 5 A I don't recall.
 6 Q Did Mr. Sloan follow you in?
 7 A Yes.
 8 Q I think you said the wastebasket was right
 9 by the door?
 10 A Right next to the door.
 11 Q I take it therefore neither you nor
 12 Mr. Sloan went into the office --
 13 A No, just about two steps and that was it.
 14 Q Did Mr. Sloan look around for the
 15 wastepaper basket or did he know where it was?
 16 A No, because as soon as you open the door,
 17 you saw it.
 18 Q You couldn't miss it?
 19 A Yeah, you couldn't miss it.
 20 Q What did the trash bag that Mr. Sloan was
 21 carrying look like?
 22 A It was a clear garbage bag, the standard

- 1 garbage bag they use, and it was tied at the top.
 2 Q I take it, therefore, you're certain it was
 3 not a burn bag?
 4 A Yes, it was not a burn bag.
 5 Q And clear means you could see in it, no
 6 doubt?
 7 A Yes.
 8 Q What did you see?
 9 A It looked to me there were a couple of
 10 pieces of paper crumpled up in it.
 11 Q It was not very full. Is that fair?
 12 A Two pieces of paper approximately.
 13 Q Do you remember what color the pieces of
 14 paper were?
 15 A I believe they were white.
 16 Q Did Mr. Sloan or anyone else indicate to
 17 you that those pieces of paper had been reviewed by
 18 them?
 19 A No.
 20 Q Did he indicate that they had not been
 21 reviewed by anyone?
 22 A He didn't indicate either way.

1 Q When you described that Mr. Sloan was in
2 and out of the suite, and I think we've established
3 that that meant a number of times, but you can't
4 remember exactly how many, was that before or after
5 he placed the trash bag back in Mr. Foster's office?

6 A It was continuously, before and after.

7 Q Was there anything unusual about
8 Mr. Sloan's demeanor?

9 A No.

10 Q Where is Mr. Sloan's office physically
11 located?

12 A That I'm not certain of. I'm not sure what
13 office he worked out of. He did work in legal
14 counsel. I'm not sure exactly where his desk was
15 located or which office he worked out of.

16 Q Do you think it was in the west wing?

17 A Yes.

18 Q Generally speaking, during your brief time,
19 Mr. Chinery, that you were stationed at Mr. Foster's
20 office, did you have any conversations with anyone
21 about Mr. Foster's death or any of the events
22 surrounding his death?

50

1 A No, I didn't.

2 Q No sort of chitchatty conversations with
3 the receptionist, as far as you can recall?

4 A No.

5 MR. JOHNSON: Let me show you a document
6 which I suppose we should identify as Deposition
7 Exhibit Number 2. Julie, off the record.

8 (Discussion off the record.)

9 MR. JOHNSON: And the reason I refer to it,
10 Mr. Chinery, as Deposition Exhibit Number 2 is that
11 document number 6255, the internal drawing of the
12 counsel's suite we'll designate as Deposition Exhibit
13 Number 1 for future reference.

14 (Chinery Exhibit 1 identified.)

15 MR. JOHNSON: Document Number 2, which
16 bears document production numbers 6231, 32 and 33, is
17 a document entitled "chronology of events regarding
18 the suicide of Mr. Vincent Foster, deputy chief,
19 White House legal counsel."

20 (Chinery Exhibit 2 identified.)

21 BY MR. JOHNSON:

22 Q And let me just show you this document and

1 ask you whether you've ever seen this document
2 before?

3 A No, I haven't.

4 Q I take it you played no role, therefore, in
5 the preparation of this document?

6 A No.

7 Q On the first page of this document, it
8 indicates that the following uniform division
9 officers assisted with the security assignment -- the
10 security assignment reference is the assignment -- it
11 says Joe Phillips, Jim Young. It says Robert Poik
12 P-o-i-k, but I take it that's a typographical error
13 and that refers to Mr. Popik?

14 A Yes.

15 Q Mr. Almasy and your reference,
16 Mr. Chinery.

17 A Yes.

18 Q Is that your understanding of the officers
19 who participated in the duty we've been describing?

20 A To the best of my knowledge.

21 Q Are you aware of any officers who
22 participated in that duty who are not listed here?

1 A No.

2 Q Let me direct you to page 3 of this
3 Deposition Exhibit Number 2, which bears document
4 production numbers 6233 which appears at the top to
5 be a communication record. It says "log of person
6 entering Mr. Foster's office" and ask you whether
7 you've seen that document before?

8 A No.

9 Q Therefore, that is not your handwriting?

10 A No, it's not.

11 Q Do you recognize whose handwriting that is?

12 A No, I don't.

13 Q Did you in your 50 minutes there maintain a
14 log of who entered Mr. Foster's office?

15 A No, I didn't.

16 Q Maybe we can pin this down. It says -- as
17 one of the entries on document number 6233, it says
18 "6:34 p," I take it meaning p.m., "Cliff Sloan to
19 replace a bag of trash previously taken from
20 Mr. Foster's trash can" and then it appears to be
21 your name, Officer Chinery. Is that more or less the
22 time that Mr. Sloan replaced --

1 A Yes, it was somewhere in that time frame.

2 Q Did you in the course of your duties inform
3 someone about Mr. Sloan's coming into the office?

4 A Yes, I did.

5 Q Who did you inform?

6 A Sergeant Calahan.

7 Q Is Sergeant Calahan a man or a woman?

8 A Man.

9 Q Did you inform anyone else?

10 A No.

11 Q Were you instructed to report any entrances
12 into the office to Mr. Calahan? Was that sort of the
13 procedure?

14 A He was my supervisor, yes.

15 Q And I take it you don't have any
16 understanding today of who may have prepared this?

17 A No, I don't.

18 Q I may have asked you this, but if I did, I
19 apologize. Did you inform anyone other than Sergeant
20 Calahan that Mr. Sloan had entered the office?

21 A No.

22 MR. JOHNSON: Shall we take a five-minute

1 break?

2 (Recess.)

3 BY MR. JOHNSON:

4 Q Thank you, Mr. Chinery. Let's come back to
5 something I asked you briefly earlier today. Are you
6 aware whether or not there are any videotape or other
7 kinds of reports focused in the counsel's office such
8 that you could tell who was in the office at a
9 particular time?

10 A No, there's not, not that I'm aware of.

11 Q I have some sort of follow-up questions, if
12 I could. We've been looking at Deposition Exhibit
13 Number 2, specifically page 3 of that, which bears
14 document number 6233, and it suggests that the time
15 that Mr. Sloan returned to the trash bag to
16 Mr. Foster's office was 6:40 p.m. Do you remember
17 telling Sergeant Calahan that that occurred at
18 6:34 p.m.?

19 A All I remember telling him was it was
20 around 6:30, in that time frame. That was about
21 halfway through my shift, which would have been about
22 6:30.

1 Q Is that how you recall when Mr. Sloan came,
2 that it was about halfway through?

3 A Yes.

4 Q So 6:34 is a fairly precise number. Does
5 that imply to you that that time came from someone
6 else, not yourself?

7 A No.

8 Q You think it's possible you would have said
9 around 6:34?

10 A Yes.

11 Q You didn't make any notes or anything of
12 that kind, did you?

13 A No, I didn't.

14 Q All of this is in the nature of stuff I
15 probably should have asked you before as we were
16 going through it. When I asked you about the
17 contents of the trash bag that Mr. Sloan was
18 returning, I asked you whether or not it was a burn
19 bag, and you said you were certain it was not a burn
20 bag; is that right?

21 A Yes.

22 Q Was there, to the best of your knowledge, a

1 burn bag in Mr. Foster's office?

2 A I believe there was, yes.

3 Q And when you entered Mr. Foster's office on
4 the 21st, was the burn bag there?

5 A I don't recall.

6 Q Was that the only time you ever entered
7 Mr. Foster's office?

8 A Yes.

9 Q How many minutes or seconds do you think
10 you were in there at that time?

11 A With Mr. Sloan?

12 Q Yes.

13 A Maybe 10, just enough to set the trash bag
14 in the office and shut the door.

15 Q 10 seconds?

16 A Yes.

17 Q And during the entire 50 minutes or so when
18 you were guarding his office, was the door physically
19 closed so you could not see in there?

20 A Yes.

21 Q In that very brief time that you were in
22 there, do you recall seeing Mr. Foster's briefcase?

1 A No, I did not see it.

2 Q When Mr. Sloan -- the time that you saw
3 Mr. Sloan carrying the trash bag, where did he come
4 from? Did he come out of Mr. Nussbaum's office, or
5 did he come from some other place?

6 A He came from the hallway outside of the
7 reception area.

8 Q Was it possible from your vantage point to
9 see which direction he came from?

10 A No, my back would have been facing him.

11 Q Did you see him enter the reception area?

12 A Yes.

13 Q And was he carrying the trash bag at that
14 time?

15 A Yes.

16 Q So it's clear to you, at least, that the
17 trash bag came from outside the counsel's suite?

18 A Yes.

19 Q You mentioned that the trash bag was clear
20 and you saw a couple of pieces of paper in there.
21 Did I ask you what color that paper was?

22 A Yes, white.

1 Q You didn't see any nonwhite paper in there?

2 A Not that I recall, no.

3 Q On the evening of the 20th, I think you
4 testified that you were stationed in the VIP lobby
5 until about 10:30 that evening; is that correct?

6 A Uh-huh.

7 Q Do you have any -- I think I asked you
8 whether you had any recollection of arriving at the
9 White House and you testified that you didn't recall
10 specifically. Do you have any recollection of anyone
11 leaving?

12 A No.

13 Q Just as a matter of practice, is it typical
14 for the senior staff to enter the White House through
15 the VIP lobby or do they typically come in some other
16 way?

17 A Typically through the basement.

18 Q If you drove to the White House and parked
19 at the White House, would the basement be the easiest
20 entrance for you to come in?

21 A Yes, it's right next to the west exec.

22 Q On the 21st, Mr. Chinery, are there any

1 other events in any way related to Mr. Foster or
2 Mr. Foster's documents that you recall that I've
3 neglected to ask you about?

4 A No.

5 Q Let me ask you, then, about the 22nd. Did
6 you also work on the 22nd of July?

7 A Yes.

8 Q When did you arrive at work that day?

9 A It would have been the afternoon shift
10 again.

11 Q 6:00 p.m.

12 A No, from 2:30 in the afternoon until 10:30
13 at night.

14 Q I may have just confused myself. On the
15 21st, when did you physically arrive?

16 A 2:30.

17 Q And you were stationed in the VIP lobby
18 from 2:30 until approximately 6:00?

19 A 6:00, yes.

20 Q Did you see -- during that time, did you
21 see any Park Police, FBI or other investigators
22 working on the Vincent Foster investigation?

1 A Yes.

2 Q Who did you see?

3 A It was our Inspector Martin and the Secret
4 Service escorting Park Police.

5 Q How many Park Police?

6 A I believe there was two.

7 Q Do you happen to know their names?

8 A No, I don't.

9 Q Anyone else on that day?

10 A I believe there was one FBI agent with the
11 Park Police.

12 Q Were you there when they arrived at the
13 White House -- and by "they," I mean the two Park
14 Police and the one FBI agent -- or were they already
15 there when you arrived?

16 A They entered into my lobby, yes.

17 Q Would there be a log showing when they
18 entered?

19 A Not that I would keep, no.

20 Q How did you know they were there in
21 connection with the investigation into Mr. Foster's
22 death?

1 A Inspector Martin led them into the
2 direction that would lead you up to the legal counsel
3 office.

4 Q Did you have any conversations with
5 Inspector Martin or the Park Police or the FBI agent
6 at all?

7 A No.

8 Q How long, if you'll recall, were they
9 there?

10 A I don't recall.

11 Q Were they physically in the VIP lobby other
12 than to walk through it to go up to the counsel's
13 office?

14 A No.

15 Q Do you recall seeing them leave?

16 A No.

17 Q Did anyone come to the lobby to meet them?

18 A No.

19 Q Anything else that you observed while at
20 your normal duty station on the afternoon of the 21st
21 relating in any way to Mr. Foster or to Mr. Foster's
22 documents?

1 A No.

2 Q What about now on the 22nd? It would be
3 Thursday, if I recall, on the 22nd of July 1993. You
4 assumed your regular duty station, I take it, in the
5 VIP lobby at 2:30?

6 A Yes.

7 Q Did you observe or overhear anything at all
8 on that day in connection with Mr. Foster or his
9 documents or the investigation into his death?

10 A No.

11 Q From the time of Mr. Foster's death,
12 Mr. Chinery, really up to and including today, have
13 you had any conversations -- excluding conversations
14 with your counsel that you had this morning before
15 coming over here, have you had any conversations with
16 anyone regarding Mr. Foster or his death or the
17 handling of his documents or the investigation into
18 Mr. Foster's death?

19 A No.

20 Q Did anyone ever say or suggest to you that
21 documents may have been removed from Mr. Foster's
22 office?

- 1 A No.
- 2 Q And you have not personally participated in
3 or overheard any conversations on that topic at all?
- 4 A No.
- 5 Q Coming back now to the early evening of the
6 21st when you were physically stationed at
7 Mr. Foster's office, you said that Mr. Castleton was
8 there for approximately 20 minutes at the time that
9 you were there; is that correct?
- 10 A Yes.
- 11 Q Did you have any conversations with
12 Mr. Castleton at that time?
- 13 A No.
- 14 Q What did he appear to be doing?
- 15 A He was just sitting at one of the desks
16 answering the phones.
- 17 Q And you also said that Mr. Sloan was in and
18 out of Mr. Nussbaum's office some number of times
19 during that period of time?
- 20 A Yes.
- 21 Q Did you overhear anything that they said to
22 each other during that time?

- 1 A No, they shut their door.
- 2 Q Whenever they met?
- 3 A Yes, in the discussion they shut the door.
- 4 Q On the evening of the 20th when you ended
5 your shift at 10:30 that evening, do you recall who
6 replaced you in the VIP lobby?
- 7 A At 10:30 I lock up the VIP lobby and we
8 secure it. There's no one who replaces me after
9 that.
- 10 Q Is it physically impossible to enter the
11 White House after that lobby is locked up?
- 12 A Unless you're a Secret Service employee.
- 13 Q Does the shift change in the basement -- at
14 the basement security at the same time as your shift?
- 15 A Yes.
- 16 Q Who was on, if you recall, the basement
17 security on the evening of the 20th, the afternoon
18 shift?
- 19 A Bruce Abt.
- 20 Q And do you know who replaced Mr. Abt at
21 10:30?
- 22 A No, I don't.

1 Q Was Mr. Abt also at the basement security
2 on the 21st and 22nd, to the best of your knowledge?

3 A I don't know.

4 Q How is it that you recall, remember that
5 Mr. Abt was in the basement on the evening of the
6 20th?

7 A Because the regular we had, I believe, was
8 on annual leave at the time and with some of our
9 procedures we'll call each other to let us know,
10 like, when an appointment is coming to a different
11 post so we do a post-to-post surveillance of the
12 person. So I remember hearing his voice and talking
13 to him.

14 Q On that evening?

15 A Yes.

16 MR. JOHNSON: Mr. Chinery, I don't have any
17 further questions for you at this time. Mr. Cole may
18 have some questions for you. Let me, before I
19 conclude, say two things. First of all, thank you
20 very much for your cooperation and your patience.
21 Secondly, confidentiality is a rule that governs all
22 of us in this room, and we would be very grateful to

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1 you if you would refrain from speaking with anyone at
2 all about the fact of your deposition or what we've
3 discussed here today.

4 THE WITNESS: Yes.

5 EXAMINATION

6 BY MR. COLE:

7 Q Mr. Chinery, I don't intend to cover all of
8 the things that Mr. Johnson has covered with you this
9 afternoon, but I just have a few brief questions for
10 you.

11 Directing your attention back to the time
12 period immediately before Mr. Foster's death in July
13 of 1993, you described for us the physical
14 configuration of the offices in the White House
15 counsel in the west wing on the second floor, as I
16 understood it. Were there other offices on that
17 floor or is the White House counsel's offices the
18 only offices on that floor?

19 A There are other offices on that floor.

20 Q Approximately how many other offices are on
21 that floor?

22 A Approximately eight to 10.

1 Q And are those the offices of generally
2 senior White House officials and support staff?

3 A Yes.

4 Q And during the time period that we're
5 interested in, which is the summer of 1993, could
6 White House officials who worked in those other
7 offices on the second floor of the west wing move
8 freely in and out of the White House counsel's suite
9 of offices?

10 A Yes.

11 Q So there were no special security
12 procedures in place to limit their entering?

13 A No.

14 Q So other than the time that the alarm had
15 been activated, as you testified earlier, White House
16 staff on that floor could come and go freely?

17 A Yes, that's correct.

18 Q And no log or any other record is
19 maintained of who would enter those offices?

20 A No.

21 Q And you referred earlier when you were
22 describing the alarm system to authorized passholders

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1 who could activate or deactivate the alarm in the
2 White House counsel's offices. Would other White
3 House senior staff be authorized to passholders, or
4 is that only authorized passholders in the White
5 House counsel's office?

6 A I'm not sure who determines who's
7 authorized, who establishes the actual authorization
8 list. That's something that -- I don't know.

9 Q So you don't know whether it's limited to
10 the counsel's office or whether it could include
11 other officials?

12 A No.

13 MR. FOLEY: Let him finish the question
14 before you answer.

15 BY MR. COLE:

16 Q And you testified about what you referred
17 to as a burn bag that was a bag to dispose of
18 classified documents, and I just want to be sure that
19 I understood your testimony. Was it your
20 understanding that a burn bag generally was
21 maintained in Mr. Foster's office?

22 A Yes.

1 Q And was there one burn bag for each office
2 in the White House counsel's suite, or was there a
3 shared burn bag?

4 A I don't know that.

5 Q Did I understand you correctly to testify
6 you weren't sure on the evening of the 21st when
7 Mr. Sloan replaced the bag of garbage whether you saw
8 a burn bag in Mr. Foster's office?

9 A I don't recall.

10 Q And so what is the basis for your
11 understanding that there normally was a burn bag in
12 Mr. Foster's office?

13 A I believe that the officer that -- there's
14 an officer, it's his nightly assignment to collect
15 burn bags and he has a diagram to show him where the
16 burn bags are collected from, and they keep that at
17 the post downstairs, and I've seen the diagram
18 before.

19 MR. COLE: I don't have any further
20 questions. I also thank you for your time. I think
21 that's all for me.

22 MR. JOHNSON: Thank you, Mr. Chinery.

1 Thanks to your counsel, too.

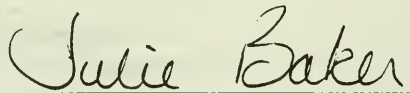
2 (Whereupon, at 3:00 p.m., the deposition
3 was concluded.)
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5

6 BRENT J. CHINERY
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CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



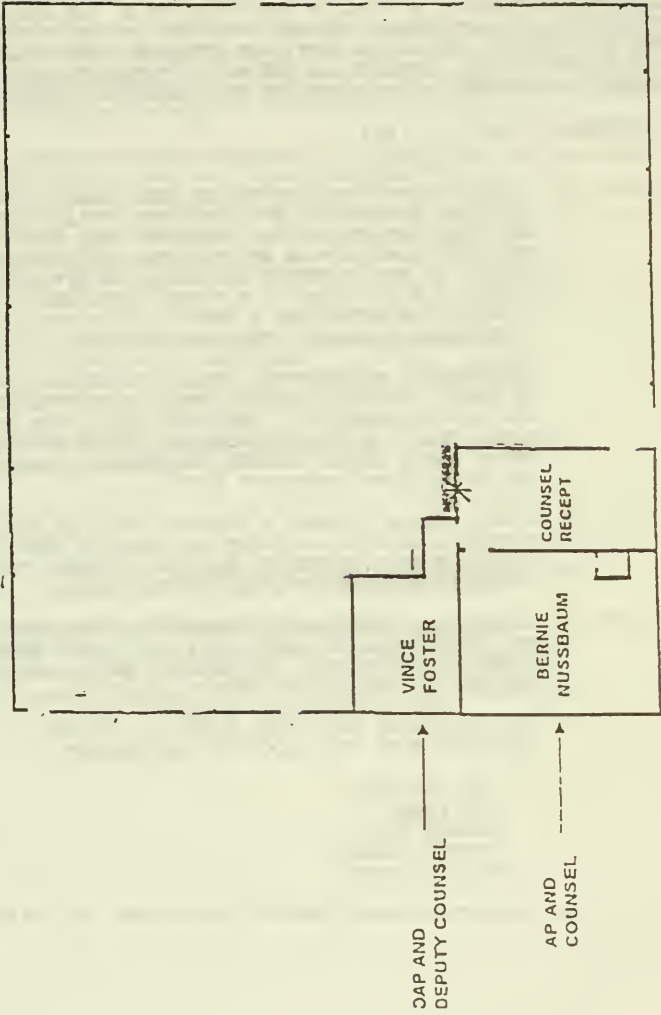
Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

West Building
Second Floor

TREASURY



CHRONOLOGY OF EVENTS
REGARDING
THE SUICIDE OF MR. VINCENT FOSTER,
DEPUTY CHIEF, WHITE HOUSE LEGAL COUNSEL

ON JULY 21, 1993, ATSAIC DONALD A. FLYNN OF THE PRESIDENTIAL PROTECTIVE DIVISION, ACTING IN THE CAPACITY OF THE WHITE HOUSE SECURITY COORDINATOR BECAME INVOLVED IN THE SUICIDE INVESTIGATION OF THE ABOVE CAPTIONED SUBJECT. THE FOLLOWING IS A CHRONOLOGICAL SEQUENCE OF THE ACTIVITIES, ACTIONS, AND SUPPORT UNDERTAKEN AND PROVIDED BY THE SECRET SERVICE:

WEDNESDAY, JULY 21, 1993

10:00 AM ATSAIC FLYNN WAS INFORMED BY ASAIC PAUL IMBORDINO THAT TWO MEMBERS OF THE U.S. PARK POLICE (USPP) CRIMINAL INVESTIGATIONS DIVISION WERE COMING TO THE WEST WING OF THE WHITE HOUSE TO CONDUCT A SEARCH OF MR. FOSTER'S OFFICE IN AN EFFORT TO LOCATE A SUICIDE NOTE OR OTHER PERTINENT INFORMATION REVEALING A MOTIVE AS TO WHAT MAY HAVE PROVOKED HIM TO TAKE HIS OWN LIFE.

IMMEDIATELY THEREAFTER, ATSAIC FLYNN WAS INFORMED BY DSAIC DAVID CARPENTER THAT DIRECTOR MAGAW'S OFFICE HAD RECEIVED A TELEPHONE CALL FROM MS. LINDA TRIPP, A STAFF ASSISTANT IN THE OFFICE OF WHITE HOUSE LEGAL COUNSEL REQUESTING ASSISTANCE IN SECURING MR. FOSTER'S OFFICE.

10:20 AM ATSAIC FLYNN ASSUMED A SECURITY POST ON MR. FOSTER'S OFFICE. A REQUEST WAS MADE OF INSPECTOR DENNIS MARTIN UD/WHB TO PROVIDE OFFICERS TO MAINTAIN SECURITY OF THE OFFICE SPACE.

11:05 AM OFFICER MICHELLE MACON RELIEVED ATSAIC FLYNN AND WAS INSTRUCTED TO MAINTAIN A LOG OF ANY PERSONS ENTERING THE OFFICE, TO OBSERVE THEIR ACTIONS, AND NOT TO PERMIT THE REMOVAL OF ITEMS.

THE FOLLOWING UNIFORMED DIVISION OFFICERS ASSISTED WITH THIS SECURITY ASSIGNMENT:

JOE PHILLIPS
JIM YOUNG
ROBERT POIK
ROBERT ALMASY
BRENT CHINERY

1:10 PM INSPECTOR DENNIS MARTIN UD/WHB MET THE FOLLOWING

PERSONS AT THE SOUTHWEST GATE, AND ESCORTED THEM TO HIS OFFICE AWAITING APPROVAL FROM THE JUSTICE DEPARTMENT TO PROCEED TO MR. FOSTER'S OFFICE TO CONDUCT INTERVIEWS AND A SEARCH.

CAPTAIN CHARLES HUME (USPP)
 DET. PETE MARKLAND (USPP)
 SA SCOTT SALTER (FBI)
 SA JOHN DANNA (FBI)

4:40 PM JUSTICE DEPARTMENT REPRESENTATIVES DAVID MARGOLIS AND ROGER ADAMS ARRIVED AT THE WEST WING OFFICE OF MR. NUSSBAUM TO DISCUSS THE FORMAT AND RESTRICTIONS TO BE APPLIED FOR THE SEARCH OF MR. FOSTER'S OFFICE.

MR. NUSSBAUM ANNOUNCED THAT THE SEARCH WOULD BE CONDUCTED ON JULY 22, 1993, AND THAT PER MR. RONALD NOBLE, THE ASSISTANT SECRETARY OF THE TREASURY IN CHARGE OF LAW ENFORCEMENT AND DIRECTOR JOHN MAGAW OF THE SECRET SERVICE, A ONE-OF-A-KIND LOCK WOULD BE PLACED ON THE OFFICE DOOR WITH THE ONLY KEY TO BE MAINTAINED BY ATSAIC FLYNN.

8:02 PM ATSAIC FLYNN RELIEVED THE UNIFORMED OFFICER CONTROLLING THE OFFICE DOOR. SS KEVIN ROBBINS AND MR. KENNETH BLAIR COMMENCED TO INSTALL THE AFOREMENTIONED LOCK AT THAT TIME.

10:32 PM THE LOCK INSTALLATION WAS COMPLETED AND THE DOOR SECURED BY ATSAIC FLYNN.

THURSDAY JULY 22, 1993

1:15 PM AT MR. NUSSBAUM'S REQUEST, ATSAIC FLYNN UNLOCKED MR. FOSTER'S OFFICE AND A SEARCH COMMENCED.

2:49 PM THE REVIEW WAS COMPLETED, AND MR. NUSSBAUM ADVISED THAT THE REQUIREMENT TO KEEP THE OFFICE SECURE WAS BEING REMOVED, AND OUR ASSISTANCE WAS NO LONGER NEEDED. THE KEYS TO THE LOCK WERE THEN GIVEN TO MR. NUSSBAUM BY ATSAIC FLYNN.

COMMUNICATION RECORD

Log of Persons entering Mr. Finner's Office

Wednesday July 21st 1993

- 11:00A Mr. Muschauer Received a small piece of paper (acc. record)
 11:40P Cliff Sloan, to replace a bag of trash previously taken from Mr. Finner's
 Trash Can (acc. Chenev)
 5:02P Kevin Robbins, Kenneth Allen, to place the lock on the door to
 Finner's office. (see Flynn)
 11:30P Lock installed. Door Secured by Flynn

Thursday July 22nd 1993

- 1:15P Mr. Muschauer spoke with Mr. Cliff Sloan, Bill Burton, Michael Spitzer,
 David Margolis, Roger Adams, Greg Hulse, Howard Markland,
 etc. - Solicitor Dennis Graham, Phil Imboden. Don Flynn
 5:49P Discontinued to visit to Mr. Muschauer by
 Flynn

**DEPOSITION OF ROBERT M. POPIK
IN RE: S. RES. 120**

TUESDAY, JUNE 20, 1995

**U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.**

Deposition of ROBERT M. POPIK, called for examination pursuant to notice of deposition, at 1:38 p.m. in Room 640-A of the Hart Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

**EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
LANCE COLE, Esq.
Minority Deputy Special Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.**

**TIMOTHY M. FOLEY, Esq.
JAMES ALLARD, Esq.
U.S. Secret Service
Office of Chief Counsel
1800 G Street, NW
Room 842
Washington, DC 20223
On behalf of the Deponent.**

ALSO PRESENT: NGUYEN-HONG HOANG

CONTENTS

WITNESS	EXAMINATION
Robert M. Popik by Mr. Johnson	3

EXHIBITS

Robert M. Popik DEPOSITION NUMBER	IDENTIFIED
Exhibit 1	14, 158

PROCEEDINGS

Whereupon,

ROBERT M. POPIK

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. JOHNSON:

Q Good afternoon, Mr. Popik. You and I have had an opportunity to meet off the record, but let me reintroduce myself for the benefit of the record. My name is Everett Johnson and I'm one of the attorneys working for the Senate Special Committee in connection with its investigation into the handling of the documents in the few days after Mr. Foster's death and other matters.

And according to our procedures, I'll ask you a series of questions this morning relating specifically and generally to that topic. Mr. Cole, who you've also met off the record, is present. He works for the Minority staff of the same committee. He'll then ask you questions generally on the same topic. We will both try and make our questions as

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clear as we can possibly make them, but to a certain extent we'll also count on you to tell us if we've said something that's unclear or something that you don't understand. So feel free at any time, if a question I've asked you is unclear or nonsensical, to tell me that and I'll try and clarify it.

Have you been deposed in the past?

A Not here.

Q Let me just touch on a couple of quick procedural matters, just in case it's not something you've covered in the past. Ms. Baker is our shorthand reporter and she'll make a verbatim transcription of the questions that I ask and the answers that you give. It's very important to enable her to do that that you do two things: One is don't answer the question until I've finished it -- you may be clear what I'm going to ask -- because she can't transcribe simultaneous conversation. You also need to respond verbally. Gestures or grunts in the transcription don't mean anything so yesses or noes are better than other sorts of nonverbal communication.

1 If there comes a time when you want to take
2 a break, just say so and we'll break at any time. If
3 you need to confer with your counsel in connection
4 with any question, feel free to do that. There's
5 nothing in any of the questions that I've prepared
6 that's designed to be deceptive or to trick you in
7 any way so if there's any lack of clarity about what
8 I'm asking, feel free to just say so. I'll come back
9 to this at the end of the deposition.

10 We're here today pursuant to authority
11 granted in Senate Resolution Number 120, which
12 constitutes the Special Committee to conduct this
13 deposition. All of us in this room are strictly
14 bound to maintain the confidentiality of this
15 deposition, including even the fact of this
16 deposition, and we'd ask you to abide by the same
17 confidences and not discuss this deposition with
18 anyone, if that's okay.

19 A Okay.

20 Q Did you -- in preparing to attend your
21 deposition today, did you meet with anyone to prepare
22 for the deposition?

1 A Yes, I met with Mr. Foley.

2 Q Was there anyone else present in the
3 meeting with Mr. Foley?

4 A No.

5 Q Other than that meeting with Mr. Foley, did
6 you ever meet with anyone else to discuss your
7 testimony in this matter?

8 A I met with Special Agent Imbordino and
9 Inspector Pendergrast of the uniform division.

10 Q When was that?

11 A Yesterday.

12 Q Was there anyone else present there?

13 A There was two other officers.

14 Q What were their names?

15 A John Skyles and Bruce Abt.

16 Q Were there any attorneys present?

17 A No.

18 Q What was the purpose of that meeting,
19 Mr. Popik -- is it Popik?

20 A Popik. Just the general ground rules of
21 what was going on, to tell me, because this is the
22 first that I had heard that I was coming here. That

1 was yesterday.

2 Q Who called the meeting?

3 A Inspector Pendergrast, I believe.

4 Q And am I correct the attendees were
5 yourself, Inspector Pendergrast, Officer Imbordino,
6 Officer Skyles, Officer Abt and no one else?

7 A No.

8 Q In the course of this meeting, did the
9 group at any time discuss the events surrounding
10 Mr. Foster's death on July 20, 1993?

11 A No.

12 Q There's no recollection of what happened at
13 that time or anything of that kind?

14 A No.

15 Q Did the group as a whole review any
16 documents?

17 A No.

18 Q Would you describe it as sort of a general
19 informational meeting, here's what the Senate is
20 investigating, you may be asked certain kinds of
21 questions, that kind of thing?

22 A Yes.

1 Q How long do you think that meeting lasted?

2 A About 20 minutes.

3 Q And I'm sure I know the answer, but let me
4 ask just to be cautious, did anyone tell you to say
5 anything or be sure and not say anything in that
6 meeting?

7 A No.

8 Q Other than that general meeting involving
9 the five of you, were there any other meetings in
10 preparation for your deposition here today?

11 A No.

12 Q Can you just describe briefly your work
13 history with the Secret Service?

14 A I came on the job in April of 1986, where I
15 served for a year and a half at the foreign missions
16 branch and the Vice President's residence. In 1988,
17 I was reassigned to the White House and have been
18 there ever since.

19 Q Do you have a particular duty station at
20 the White House?

21 A Yes.

22 Q What is that?

1 A There's a post that's south of the
2 southeast gate. It's south of the complex, but it's
3 south of the southeast gate.

4 Q I'm just visualizing. Southeast is
5 toward --

6 A To give you the -- East Executive Avenue
7 and E Street.

8 Q And I take it you were assigned to that
9 post when you moved over to the White House in 1988?

10 A No. I've had a few other posts.

11 Q Let's focus roughly on July of 1993, if
12 you'll recall. Where was your normal duty station?

13 A That's when I was assigned to the special
14 operations section of the uniform division of the
15 White House.

16 Q I'm going to show my ignorance. What does
17 that mean?

18 A It's where we do the guided tours for the
19 tours coming in and also are in the rooms for the
20 general public tours.

21 Q So you move physically into the White House
22 itself?

10

1 A Yes.

2 Q Was that actually in July of 1993?

3 A Yes.

4 Q Did that involve -- when you were
5 reassigned into the White House itself, did it
6 involve particular duties in the west wing of the
7 White House?

8 A On my days off. There were times when I
9 was assigned to the west wing of the White House.

10 Q When you say on your days off, you mean as
11 an overtime kind of thing?

12 A Uh-huh.

13 Q What duties generally in this time frame
14 did you have in the west wing of the White House?

15 A Just several assigned posts in the west
16 wing and on my days off I would work there. And it's
17 basically checking people that were coming in to the
18 west wing, either working there or coming in as
19 appointments.

20 Q In the VIP lobby?

21 A Yes.

22 Q Were you ever assigned to the basement

- 1 lobby?
2 A Yes.
3 Q Were you ever assigned to any other
4 stations, for example, between the west wing and the
5 residence stations?
6 A A few. Do you want the exact posts?
7 Q I'm just judging your familiarity with the
8 west wing itself. Would you say you were very
9 familiar with the layout of the west wing?
10 A Yes.
11 Q In July of 1993, Mr. Popik, to whom did you
12 report?
13 A To my sergeant for a roll call.
14 Q I'm sorry, I missed the last few words.
15 A For my roll call in the morning at 06:30.
16 Q Who do you regard as your boss?
17 A My immediate supervisor then was Tim
18 Schaffer.
19 Q Do you have any understanding of to whom
20 Mr. Schaffer reported?
21 A At that time it was probably Lieutenant
22 Purdie.
-

- 1 Q Let me try and really cut to the chase here
2 and discover some sort of bottom line facts, and
3 maybe that will save us time. I take it you were not
4 normally assigned to work in the west wing, except on
5 your days off or for special assignments; is that
6 correct?
7 A Yes.
8 Q Where were you assigned, if you know, on
9 July 20th of 1993? That was the day Mr. Foster
10 died.
11 A I was assigned to the state floor of the
12 White House during the public tours.
13 Q Do you remember what hours you worked on
14 that day?
15 A 06:30 to 15:00 hours.
16 Q In lay terms, that's 6:30 in the morning
17 until 3:00 in the afternoon?
18 A Yes.
19 Q And is that a normal duty shift?
20 A Yes.
21 Q And did you go home and leave the White
22 House at 3:00 in the afternoon that day?

1 A Yes.
2 Q When did you learn of Mr. Foster's death?
3 A I was coming into work, I think it was on
4 the news, on the radio.
5 Q The next morning?
6 A Uh-huh.
7 Q And did you work the same shift hours the
8 next day, July 21st?
9 A Yes.
10 Q 6:30 until 3:00 in the afternoon?
11 A Yes.
12 Q I take it there came a time on that day
13 when you were assigned to a special duty on the west
14 wing?
15 A The 21st?
16 Q Yes, sir.
17 A No, it was for the tours.
18 Q You worked only on the tours on that day?
19 A Yes -- oh --
20 Q Weren't you assigned to guard Mr. Foster's
21 office at that time?
22 A Yes, that's right, between the hours of

1 11:30 and 1:00.
2 MR. JOHNSON: Let me show you a document.
3 Let's call it Deposition Exhibit Number 1, which, for
4 the record, is a document entitled "Chronology of
5 Events Regarding the suicide of Mr. Vincent Foster,
6 Deputy Chief White House Counsel," and it's bearing
7 document production numbers 6231, 6232 and 6233.
8 (Popik Exhibit 1 identified.)
9 BY MR. JOHNSON:
10 Q Mr. Popik, my question to you is whether
11 you've ever seen that document before? Your counsel
12 has seen it, but take a moment and look at it.
13 A Not this one.
14 Q If you'll see on the bottom of the first
15 page of that document, that indicates you and a
16 number of other officers were assigned. Your name is
17 misspelled, as you may note. Is that your
18 recollection of the officers who were assigned to
19 guard Mr. Foster's office on that day?
20 A Yes.
21 Q Do you remember, were there any officers
22 who were assigned to that duty who were not listed

1 there?

2 A No, not that I'm aware of.

3 Q Let me ask you, if I could, please, to turn
4 to the third page of that document, which bears
5 document production number 6233, and which is a
6 handwritten document called "Log of Persons Entering
7 Mr. Foster's Office." It's dated Wednesday, July 21,
8 1993.

9 Have you ever seen that document before --

10 A Is this the same one you showed me?

11 Q -- other than maybe with your counsel?

12 A No, this is the first time I knew of it
13 when he showed me.

14 Q I take it that's not your handwriting?

15 A No, sir.

16 Q Coming back now to July 21, how is it that
17 you came to be assigned to guard Mr. Foster's office
18 on that day?

19 A My sergeant, Sergeant Schaffer, came and
20 told me that's what I was going to be doing for an
21 hour, hour and a half.

22 Q Do you have any recollection of what time

16

1 that was?

2 A I'm not absolute on the time. I think it
3 must have been somewhere like 11:30 or 12:00 to like
4 1:00 or something, but I'm not sure.

5 Q Do you know what officer you relieved?

6 A Officer Jimmy Young.

7 Q And do you recall what officer relieved
8 you?

9 A I believe it was Joe Phillips.

10 Q And your best recollection is that you were
11 physically stationed in Mr. Foster's office for about
12 an hour or an hour and a half on that day?

13 A Outside the door, yes.

14 Q And when your sergeant came to tell you
15 that you were being reassigned temporarily to that
16 duty, did he offer any explanation of why?

17 A Not that I can remember.

18 Q What was your understanding of your job
19 when you were reassigned there?

20 A Just to stand in front of the door and if
21 someone goes in, just to log the person or name that
22 went in, approximately what time they went in.

1 Q Did you have any understanding at all about
2 whether or not people were allowed to remove
3 documents from Mr. Foster's office?

4 A No.

5 Q You basically understood that you were
6 there to just make a record whether anyone went in or
7 out?

8 A Yes, sir.

9 Q But not necessarily to prevent them from
10 going in or out?

11 A No, sir.

12 Q And not necessarily to prevent them from
13 taking documents in or out?

14 A No.

15 Q Having said all that, did anyone go in and
16 out during the time you were there?

17 A No.

18 Q What was the -- did anyone try to go in or
19 out?

20 A No.

21 Q Did you, during the time you were there,
22 have any conversations with anyone about -- strike

1 that.

2 Do you recall having any conversations with
3 anyone at all while you were guarding Mr. Foster's
4 office?

5 A One of the secretaries was saying hello.

6 Q Ordinary chitchat?

7 A Yes.

8 Q You didn't discuss, I take it, the content
9 of Mr. Foster's office?

10 A No.

11 Q And the topic of whether or not anyone had
12 removed any documents from Mr. Foster's office didn't
13 come up, I take it?

14 A No.

15 Q And later that afternoon -- Julie, I'm
16 sorry. Strike that again.

17 Let me name some people, Mr. Popik, and
18 tell me whether or not you would recognize them.

19 Would you recognize Bernie Nussbaum?

20 A Yes.

21 Q Would you have recognized Patsy Thomasson?

22 A Yes.

- 1 Q Maggie Williams?
2 A No.
3 Q Have you heard her name before?
4 A Yes.
5 Q It's not a person whose face you would
6 recognize?
7 A Yes.
8 Q Roy Neel?
9 A No.
10 Q How about Mr. Kennedy?
11 A No.
12 Q I don't mean Ted Kennedy. I mean William
13 Kennedy.
14 A No.
15 Q Mr. Watkins?
16 A Yes, I would recognize him.
17 Q Mr. Sloan?
18 A No.
19 Q Mr. Neuwirth?
20 A No.
21 Q Would you recognize Mr. Foster's secretary,
22 Ms. Gorham?

- 1 A No.
2 Q Would you recognize Mr. Nussbaum's
3 secretary, Ms. Pond?
4 A No.
5 Q Of all of the people that I just named, do
6 you remember seeing any of them during the time when
7 you were guarding Mr. Foster's office?
8 A Just Mr. Nussbaum.
9 Q And where did you see Mr. Nussbaum?
10 A In his office.
11 Q I take it Mr. Nussbaum didn't go in or try
12 to go into Mr. Foster's office while you were there?
13 A No.
14 Q When you were relieved from your station
15 outside of Mr. Foster's office, did you thereafter,
16 really up to and including today, any time
17 thereafter, have any further involvement in anything
18 relating to Mr. Foster, Mr. Foster's documents or
19 anything of that kind?
20 A No.
21 Q Let me just ask you about any conversations
22 or other things that you may have heard. Have you

1 ever had any discussions with anyone on the topic of
2 whether or not anyone entered Mr. Foster's office
3 after the time of his death?

4 A No.

5 Q Have you ever had any discussions or
6 overheard any discussions with anyone on the topic of
7 whether or not documents were removed from or placed
8 in Mr. Foster's office by anyone since the time of
9 his death?

10 A No.

11 Q Have you heard any rumors or innuendoes or
12 suspicions on any of those topics?

13 A No.

14 Q And let me just come back to the list of
15 people that you mentioned earlier. This will be a
16 little bit redundant, but I take it you've never had
17 any discussions with Mr. Imbordino on any of those
18 topics as well surrounding Mr. Foster's death?

19 A No.

20 Q And the same would be true of
21 Mr. Pendergrast?

22 A Yes.

1 Q Mr. Skyles?

2 A Yes.

3 Q Mr. Abt?

4 A Yes.

5 MR. JOHNSON: Let me show you a document
6 that your counsel has seen before. For purposes of
7 the record it appears to be a drawing of -- or
8 rendering of the second floor of the west wing,
9 specifically the White House counsel's suite. It's
10 bearing document production number 6255.

11 BY MR. JOHNSON:

12 Q Have you seen that document before,
13 Mr. Popik?

14 A No.

15 Q Does that accurately depict the suite of
16 offices where Mr. Foster's office was, to the best of
17 your recollection?

18 A Yes.

19 Q Why don't you show me by indicating where
20 you were physically stationed in the hour or so that
21 you guarded Mr. Foster's office?

22 A I take it this is the door coming into the

1 Secretary's office and basically there's a door right
2 here and that's where I was.

3 Q It's a little confusing. You're indicating
4 actually just outside Mr. Foster's office. It may be
5 that the record will be very confused by this. We'll
6 come back. It may be that is the door into the
7 reception area.

8 A That's my mistake.

9 Q We'll get the record clarified. You're
10 telling me you were stationed in the secretary's and
11 receptionist's area?

12 A Yes.

13 Q And you were physically outside the door to
14 Mr. Foster's office?

15 A Yes.

16 Q From where you were standing, you could
17 see, I take it, into Mr. Nussbaum's office as well?

18 A There was a door that was closed.

19 Q Mr. Nussbaum's door was closed?

20 A Yes.

21 Q Do you know whether or not Mr. Foster's
22 door was opened or closed?

24

1 A No, it was closed.

2 Q In the time you were there, did you ever
3 even look in his office?

4 A Mr. Foster's?

5 Q Yes.

6 A No.

7 Q You didn't open the door?

8 A No.

9 Q On July 22, the day after you were
10 stationed there, did you return to your normal duty
11 in the residence?

12 A Yes.

13 Q Did you work in the west wing at all on
14 July 22nd?

15 A No.

16 Q Do you recall working in the west wing
17 between July 22nd and July 27th the next week or so?

18 A I may have, but I'm not positive I did.

19 Q You don't have any specific recollection?

20 A No.

21 Q Would you recognize an individual by the
22 name of Tom Castleton?

1 A No.

2 MR. JOHNSON: Mr. Popik, I don't think I
3 have anything else.

4 MR. COLE: I really don't think I have
5 anything to add to what you've covered.

6 MR. JOHNSON: Let me thank you very much
7 for your time in coming down. The Committee is very
8 appreciative. Let me reiterate something I said at
9 the beginning. The confidentiality of this
10 proceeding is extraordinarily important, and we would
11 be grateful if you wouldn't discuss what we talked
12 about here today, with anyone including your fellow
13 officers or anyone else.

14 THE WITNESS: Yes.

15 MR. JOHNSON: Tim, are we finished?

16 MR. FOLEY: I think so.

17 MR. JOHNSON: Thank you very much.

18 (Whereupon, at 2:05 p.m., the deposition
19 was concluded.)

20

21

22

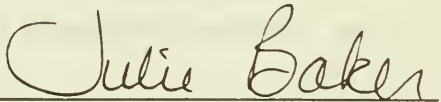
ROBERT M. POPIK

CERTIFICATE OF NOTARY PUBLIC & REPORTER

26

I, JULIE BAKER, the officer

before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

CHRONOLOGY OF EVENTS
REGARDING
THE SUICIDE OF MR. VINCENT FOSTER,
DEPUTY CHIEF, WHITE HOUSE LEGAL COUNSEL

ON JULY 21, 1993, ATSAIC DONALD A. FLYNN OF THE PRESIDENTIAL PROTECTIVE DIVISION, ACTING IN THE CAPACITY OF THE WHITE HOUSE SECURITY COORDINATOR BECAME INVOLVED IN THE SUICIDE INVESTIGATION OF THE ABOVE CAPTIONED SUBJECT. THE FOLLOWING IS A CHRONOLOGICAL SEQUENCE OF THE ACTIVITIES, ACTIONS, AND SUPPORT UNDERTAKEN AND PROVIDED BY THE SECRET SERVICE:

WEDNESDAY, JULY 21, 1993

10:00 AM ATSAIC FLYNN WAS INFORMED BY ASAIC PAUL IMBORDINO THAT TWO MEMBERS OF THE U.S. PARK POLICE (USPP) CRIMINAL INVESTIGATIONS DIVISION WERE COMING TO THE WEST WING OF THE WHITE HOUSE TO CONDUCT A SEARCH OF MR. FOSTER'S OFFICE IN AN EFFORT TO LOCATE A SUICIDE NOTE OR OTHER PERTINENT INFORMATION REVEALING A MOTIVE AS TO WHAT MAY HAVE PROVOKED HIM TO TAKE HIS OWN LIFE.

IMMEDIATELY THEREAFTER, ATSAIC FLYNN WAS INFORMED BY DSAIC DAVID CARPENTER THAT DIRECTOR MAGAW'S OFFICE HAD RECEIVED A TELEPHONE CALL FROM MS. LINDA TRIPP, A STAFF ASSISTANT IN THE OFFICE OF WHITE HOUSE LEGAL COUNSEL REQUESTING ASSISTANCE IN SECURING MR. FOSTER'S OFFICE.

10:20 AM ATSAIC FLYNN ASSUMED A SECURITY POST ON MR. FOSTER'S OFFICE. A REQUEST WAS MADE OF INSPECTOR DENNIS MARTIN UD/WHB TO PROVIDE OFFICERS TO MAINTAIN SECURITY OF THE OFFICE SPACE.

11:05 AM OFFICER MICHELLE MACON RELIEVED ATSAIC FLYNN AND WAS INSTRUCTED TO MAINTAIN A LOG OF ANY PERSONS ENTERING THE OFFICE, TO OBSERVE THEIR ACTIONS, AND NOT TO PERMIT THE REMOVAL OF ITEMS.

THE FOLLOWING UNIFORMED DIVISION OFFICERS ASSISTED WITH THIS SECURITY ASSIGNMENT:

JOE PHILLIPS
JIM YOUNG
ROBERT POIK
ROBERT ALMASY
BRENT CHINERY

1:10 PM INSPECTOR DENNIS MARTIN UD/WHB MET THE FOLLOWING

PERSONS AT THE SOUTHWEST GATE, AND ESCORTED THEM TO HIS OFFICE AWAITING APPROVAL FROM THE JUSTICE DEPARTMENT TO PROCEED TO MR. FOSTER'S OFFICE TO CONDUCT INTERVIEWS AND A SEARCH.

CAPTAIN CHARLES HUME (USPP)
 DET. PETE MARKLAND (USPP)
 SA SCOTT SALTER (FBI)
 SA JOHN DANNA (FBI)

4:40 PM JUSTICE DEPARTMENT REPRESENTATIVES DAVID MARGOLIS AND ROGER ADAMS ARRIVED AT THE WEST WING OFFICE OF MR. NUSSBAUM TO DISCUSS THE FORMAT AND RESTRICTIONS TO BE APPLIED FOR THE SEARCH OF MR. FOSTER'S OFFICE.

MR. NUSSBAUM ANNOUNCED THAT THE SEARCH WOULD BE CONDUCTED ON JULY 22, 1993, AND THAT PER MR. RONALD NOBLE, THE ASSISTANT SECRETARY OF THE TREASURY IN CHARGE OF LAW ENFORCEMENT AND DIRECTOR JOHN MAGAW OF THE SECRET SERVICE, A ONE-OF-A-KIND LOCK WOULD BE PLACED ON THE OFFICE DOOR WITH THE ONLY KEY TO BE MAINTAINED BY ATSAIC FLYNN.

8:02 PM ATSAIC FLYNN RELIEVED THE UNIFORMED OFFICER CONTROLLING THE OFFICE DOOR. SS KEVIN ROBBINS AND MR. KENNETH BLAIR COMMENCED TO INSTALL THE AFOREMENTIONED LOCK AT THAT TIME.

10:32 PM THE LOCK INSTALLATION WAS COMPLETED AND THE DOOR SECURED BY ATSAIC FLYNN.

THURSDAY JULY 22, 1993

1:15 PM AT MR. NUSSBAUM'S REQUEST, ATSAIC FLYNN UNLOCKED MR. FOSTER'S OFFICE AND A SEARCH COMMENCED.

2:49 PM THE REVIEW WAS COMPLETED, AND MR. NUSSBAUM ADVISED THAT THE REQUIREMENT TO KEEP THE OFFICE SECURE WAS BEING REMOVED, AND OUR ASSISTANCE WAS NO LONGER NEEDED. THE KEYS TO THE LOCK WERE THEN GIVEN TO MR. NUSSBAUM BY ATSAIC FLYNN.

COMMUNICATION RECORD

Log of Persons entering NK Field Office.

Wednesday July 21st 1993

- 11:00 AM Mr. Muschauer Received a small piece of paper (acc. Mueser)
 12:41 Cliff Sloan, to replace a bag of trash previously taken from Mr. Fournier
 Trash Can (acc. Cheney)
 3:02 PM Kevin Robbins, Kenneth Allen, to place the lock on the door to
 Field Office. (see Flynn)
 10:00 PM Lock installed, door secured by Flynn

Thursday July 22nd 1993

- 1:15 PM Mr. Muschauer spoke with Mr. P. Cliff Sloan, A. H. Butler, Michael Gifford,
 David Macgillivray, Roger Adams, Garth Baker, H. H. Pore, Mackland,
 Sgt. Salas, Dennis Gordon, Paul Hutchinson, Don Flynn
 5:45 PM Discontinuation of entry to the field office by Mr. Muschauer by
 Flynn.

**DEPOSITION OF JOHN C. ROLLA
IN RE: S. RES. 120**

TUESDAY, JUNE 20, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of JOHN C. ROLLA, called for examination pursuant to notice of deposition, at 2:02 p.m. in Room 640-A of the Hart Senate Office Building, before PATRICIA A. ZUBER, a Notary Public within and for the District of Columbia, when were present:

ROBERT J. GIUFFRA, JR., Esq.
Majority Chief Counsel
GLENN F. IVEY, Esq.
Minority Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

ALSO PRESENT: ANIL ABRAHAM

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EXHIBITS

DEPOSITION NUMBER	IDENTIFIED
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Exhibit PP 44	20, 262
Exhibit PP 14	21, 263
Park Police Exhibit 44	89, 265

P R O C E E D I N G S

Whereupon,

JOHN C. ROLLA

was called as a witness and, having first been duly sworn, was examined and testified as follows:

E X A M I N A T I O N

BY MR. GIUFFRA:

Q Investigator Rolla, my name is Robert Giuffra, chief counsel of the Senate Banking Committee. To my left is Glenn Ivey, who is a Democratic counsel to the special Whitewater committee. This deposition is being conducted pursuant to Senate Resolution 120. This resolution establishes a special committee administered by the Banking Committee to conduct an investigation involving Whitewater Development Corporation, Madison Guaranty Savings & Loan Association, Capital Management Services, Inc., the Arkansas Development Finance Authority and other related matters.

I have a copy of the resolution if you have an interest in seeing it.

Section 1.B.1 of the Senate Resolution 120

4

authorizes an investigation and public hearings into "whether improper conduct occurred regarding the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster following his death."

This will be the focus of your deposition today. And this was an area that the Committee was not able to look at last July when you were previously deposed.

As you may know, this is for the record, you were requested to testify on July 13, 1995 by conversation with Stephanie Lynch of the Interior Department. I have a copy of a letter we sent confirming that on June 14th.

I believe you previously gave deposition testimony in this matter on July 21st, 1994; does that sound about right?

A Yeah, it's about right.

Q And then you subsequently testified at public hearings on July 29th, 1994?

A That sounds right.

Q This deposition is being conducted in

1 advance of public hearings the Committee is likely to
2 conduct sometime in this coming July and there is a
3 possibility that you may be asked to testify at those
4 public hearings. But a determination has not been
5 made as of now as to whether you will or won't have
6 to testify.

7 We're both going to be asking you a series
8 of questions today. You'll be testifying under
9 oath. If you don't understand a question, please let
10 me know, and I'll rephrase it. I have a tendency to
11 speak quickly, so if -- you know, if at any time you
12 want me to slow down, just let me know.

13 If you need a break, again, we'll take a
14 break. The stenographer will prepare a record of the
15 questions and answers. The deposition will be
16 treated as committee confidential until the
17 commencement of the hearings, meaning it won't be
18 made public to the hearing, although subsequently it
19 may be put in a bound volume such as the bound
20 volumes that were prepared after last year's
21 hearings.

22 You have a right to be represented by

1 counsel. Counsel could object to the questions for
2 form, for the record, privilege, relevance. And
3 you'll get an opportunity to review a transcript of
4 the deposition to correct any errors that you may
5 see.

6 Would you state your record for the --
7 state your name for the record, please.

8 A It's John C. Rolla, R-o-l-l-a.

9

10

11 Q And your Social Security number?

12 A I really don't like to give that out.

13 Personal information.

14 Q And your present business address?

15 A 1100 Ohio Drive, Southwest, Washington,
16 D.C. 20242.

17 Q And your present position?

18 A I'm a detective with the United States Park
19 Police.

20 Q And just going backwards, what is your --
21 when did you become a detective?

22 A Well, let's see. I think the actual date

1 was January -- supposed to be January 20th of this
2 year I was appointed detective, promoted to
3 detective.

4 Q And what was your position before that?

5 A Investigator, criminal investigator.

6 Q And how long did you hold that position?

7 A Almost five years.

8 Q Five years. And so that on July 20, 1993,
9 which is the date of Mr. Foster's death, you were a
10 criminal investigator?

11 A Yes, I was.

12 Q And before that what position did you hold?

13 A I was a private.

14 Q A private in the Park Police?

15 A Yeah, I mean, it's all in the Park Police.

16 I was a private. I worked plainclothes narcotics and
17 uniform, uniform patrol.

18 Q When did you join the Park Police?

19 A January 15th, 1984.

20 Q Now, are you aware that the Committee
21 submitted a document request to Chief Langston with
22 regard to this matter?

1 A No.

2 Q Have you turned over all documents that you
3 prepared in connection with the death of Vincent
4 Foster to either legal counsel at the Park Police or
5 your superiors?

6 A Yes.

7 Q Everything you prepared you've already
8 turned over?

9 A That's correct.

10 Q Did you speak to anyone prior to this
11 deposition?

12 A No.

13 Q Have you spoken to counsel?

14 A No.

15 Q Other than any grand jury or Congressional
16 depositions or hearings, have you spoken to anyone
17 about the investigations of Vincent Foster's death?

18 A Over the last two years? Of course I
19 have. I've testified and given a four-hour
20 deposition last time. Testified in Senate hearings.
21 It's on the radio, television, newspapers. Yes, I've
22 talked about it.

1 Q Have you spoken to any reporters about
2 this?

3 A No, I don't talk to reporters.

4 Q Have you spoken to other colleagues at the
5 Park Police?

6 A That's correct.

7 Q And friends, probably?

8 A Correct.

9 Q Anyone other than friends and colleagues at
10 the Park Police?

11 A No.

12 Q Again, I'm just doing this to try to speed
13 things up. I believe on April 27, 1994 you were
14 interviewed by the Office of the Independent Counsel
15 with regard to the death of Vincent Foster. I'm
16 going to give you a document which we'll treat as
17 Exhibit -- and the name, the number of the exhibit
18 will be OIC 222, which is the Bates number appearing
19 on the first page of the document.

20 (Exhibit OIC 222 identified.)

21 BY MR. GIUFFRA:

22 Q Have you ever seen a copy of this report?

10

1 A No.

2 Q It's kind of long. Why don't you take a
3 quick read through it and then I'll ask you whether
4 you believe that the statements in this report --

5 A Oh, this is last year's report.

6 Q Yeah.

7 A Yeah, I've seen this, basically I've seen
8 this.

9 (Witness reviewed the document.)

10 I've seen it before. I'm not going to go
11 through the whole thing.

12 Q And do you believe this report accurately
13 reflects your understanding of what happened on July
14 20, 1993 -- and then subsequently I believe you also
15 interviewed a man, Mr. Beryl, B-e-r-y-l, Anthony and
16 also went to the office of James Hamilton, who, I
17 believe, was the Foster family attorney on July 28,
18 1993?

19 A Yep.

20 Q And so this would be an accurate
21 description of what you believe happened?

22 A Well, if it's the same document, I reviewed

1 it previously, it was pretty much accurate then and
2 you say it's the same. So I will say it's accurate
3 unless I read the whole thing over again, which is
4 going to take quite a --

5 Q It's the same document, presumably, you've
6 seen before?

7 A Yes, it looks to be same document.

8 Q You've reviewed this report in the past?

9 A Yeah.

10 Q And you didn't have any problems with it at
11 that point --

12 A No.

13 Q -- as to its accuracy?

14 A No.

15 Q And so therefore you believe the report
16 accurately states your recollection as to what
17 happened --

18 A Uh-huh.

19 Q -- on those dates?

20 On July 20, 1993 to whom did you report at
21 the Park Police?

22 A When?

1 Q On July 20, 1993.

2 A What do you mean who did I report to? What
3 time?

4 Q Where did you stand along the lines of who
5 were your supervisors, did anyone report to you? You
6 were a criminal investigator?

7 A Right. The supervisor -- there was no
8 sergeant on duty, which would mean you report to the
9 sergeant, criminal investigations branch. I don't
10 believe there was a sergeant on duty, because one
11 didn't come up.

12 There were no criminal investigations
13 branch supervisors working, which would mean the next
14 higher up would be the field commander, the
15 lieutenant working in the field, who I believe was
16 Lieutenant Pat Gavin, but it's not something -- we
17 report to him. Just do the job that we have to do.
18 If we need assistance or something has to be handled
19 by the lieutenant, then we would let him know.

20 Q Did you report to Sergeant Braun or no?

21 A She was an investigator at the time.

22 Q So you were working together?

1 A Right.

2 Q And she was in the process of training you
3 to do certain types of --

4 A Yeah, she was -- I just switched narcotics
5 and came into the major crimes branch, and she was
6 one of the people I was riding with at the time.

7 Q Okay. And you would be alternating with
8 other people?

9 A Yeah, other people, other detectives in the
10 office, more senior people.

11 Q Okay. And then would you have been in the
12 line of reporting to Captain Hume?

13 A Well, he's the captain of the criminal
14 investigations branch, sergeant, lieutenant, captain,
15 and major. So he's in the line.

16 Q Then you would go to -- Major Hines would
17 be next, correct, because he ran the criminal
18 investigations unit?

19 A No, Major Hines wasn't in that unit at that
20 time.

21 Q Okay.

22 A He's our press person. He's a commander of

14

1 inspectional services and he handles basically FOI
2 requests and press release for major incidents.

3 Q Who would have ran the unit at that point?

4 A Major Benjamin Holmes.

5 Q Holmes. Okay. Did anyone report to you at
6 that point?

7 A No.

8 Q Okay. Now, on January 20, 1993, you went
9 and discovered the body of Vincent Foster at Fort
10 Marcy Park?

11 A I didn't discover it. I was called -- we
12 were called to the scene.

13 Q And you then came upon the body of Vincent
14 Foster in the park?

15 A Correct.

16 Q Okay. We're not going to go through the
17 whole thing as to what happened at the scene.

18 Now, at that point, what had been your
19 prior experience with homicide investigations?

20 A I've assisted on homicide investigations.
21 Narcotics homicides through narcotics unit.

22 Q Do you recall how many roughly?

1 A No. Not many, not many.

2 Q Two, three, four?

3 A Two, three maybe. Narcotics dealers, major
4 narcotics dealers that work in -- committing drug
5 homicides in the city, area. I worked with DEA for
6 two years, major investigations. Previously I did --
7 at that point, I had already been to Metropolitan
8 Police homicide investigator's school.

9 Q Did you have any experience with suicides?

10 A No.

11 Q Okay. This would have been the first one?

12 A Yes, this was my first one, that's what I
13 stated.

14 Q All right. With regard to -- you mentioned
15 you had attended a homicide school. At that homicide
16 school, was there any training on the importance or
17 the need to seal a crime scene?

18 A Yes.

19 Q Can you just state for the record what sort
20 of training you'd received in that, in sealing a
21 crime scene?

22 A At the Metropolitan Police homicide school,

1 they discussed the importance of sealing off crime
2 scenes as in any crime scene, rape scene, robbery
3 scene, where there's evidence. Any crime scene.

4 Q And why do you seal a crime scene?

5 A Not to contaminate the evidence.

6 Q And do you sometimes -- on this particular
7 case, you sealed the park; correct?

8 A The --

9 Q You shut the gate of the park?

10 A There is no gate. The officers blocked the
11 entrance to the park for people coming in and taped
12 off an area around the immediate crime scene around
13 the body.

14 Q Okay. And sometimes you received training
15 on the need to -- even though you find the body and
16 you seal off that crime scene, might there be other
17 crime scenes related to --

18 A Certainly. There could be multiple crime
19 scenes.

20 Q And might that be an office that someone
21 might have?

22 A Certainly.

1 Q So if you had a murder victim, you might
2 seal off the murder victim's office, even if the
3 murder didn't happen in the office?

4 A We wouldn't call it a crime scene. You
5 have to have some direct connection to the crime to
6 the office. Would you be saying -- would there be
7 documents in the office that might implicate someone
8 in a crime, that would not make it a crime scene.
9 That would make -- it would be like doing a search
10 warrant of somebody's house for evidence. That
11 doesn't make that a crime -- technically, you do a
12 search warrant. I guess it is a crime scene. While
13 you're in there, you are collecting evidence. But,
14 you know, it's mincing words here. It's not a crime
15 scene as directly connected to the body where you are
16 going looking -- like the O.J. case, you have a crime
17 scene at the -- where the bodies are at the house and
18 then you have a crime scene at his residence where
19 you have blood drops, bloody clothes, other
20 evidence. Those are two different crime scenes.

21 If they just went to his house to look for
22 documentation on a search warrant, it's different.

1 It's not the same.

2 Q But might you seal off someone's, you know,
3 for example their office, someone who had been
4 murdered?

5 A If someone had been murdered and we
6 believed we wanted to, there was direct evidence in
7 there, we would seal it off, yeah.

8 Q All right. When you came upon the body of
9 Vincent Foster on July 20th, it was apparent that he
10 had died from some sort of gunshot?

11 A That's correct.

12 Q It was not a death from natural causes?

13 A No.

14 Q And because it was not a death from natural
15 causes, was there a need to conduct a further
16 investigation?

17 A Yes.

18 Q A need to determine whether it was a
19 suicide or whether it was a murder?

20 A That's correct.

21 Q And isn't it, in fact, true that the Park
22 Police continued subsequent days to try to ascertain

1 whether it was a suicide or a murder?

2 A Investigation continued to close out the
3 case from the beginning, keeping an open mind all
4 death is considered a homicide, especially a death
5 which would be not -- obviously not a natural death,
6 a gunshot wound.

7 Q Any time you have a gunshot wound, is it a
8 policy you assume that it's a homicide until you
9 determine otherwise?

10 A Any homicide investigator, it's just basic
11 training, all deaths are considered a homicide
12 until -- even supposed natural -- until you find that
13 a medical examiner -- if there is nothing obvious, a
14 medical examiner does an autopsy and says it's
15 natural, whatever, the person wasn't poisoned,
16 everything is considered a homicide. You -- we're
17 not blank slates. You take in a scene, you take in
18 obvious signs, obvious evidence and you start
19 developing opinions.

20 You know, you try to keep an open mind, but
21 you still develop opinions. It happens, you are
22 human beings. And from the beginning in this case,

1 although we kept an open mind and continued the
2 investigation to confirm theory that it was a
3 suicide, the investigation continued to that extent
4 to make sure that that's what it was. And if it
5 turned out that there was something not right, that
6 it wasn't, then it would go in the other direction.

7 Q And do you recall how long the
8 investigation continued thereafter until the Park
9 Police made some sort of a determination?

10 A I don't remember exactly.

11 MR. GIUFFRA: This is a document -- why
12 don't we mark this PP 44. It's the Bates number on
13 the document.

14 (Exhibit PP 44 identified.)

15 BY MR. GIUFFRA:

16 Q I've just handed you a document which we've
17 marked as Exhibit PP 44. It states across the top
18 "United States Park Police, Nature of Incident,
19 Death Investigation," and it says "Supplemental
20 Criminal Incident Record." Have you ever seen this
21 document before?

22 A No.

1 Q Why don't you take a second and read it.

2 MR. IVEY: I'm sorry, you are talking about
3 Markland's?

4 MR. GIUFFRA: Yes.

5 MR. IVEY: Okay. That's not --

6 MR. GIUFFRA: Oh, actually, let's remark
7 it. Let's make it 14. Let's make it Exhibit 14. It
8 looked -- the first copy I had looked like a 44.
9 It's actually 14.

10 (Exhibit PP 14 identified.)

11 (Recess.)

12 BY MR. GIUFFRA:

13 Q Investigator Rolla, you've finished reading
14 the document that we've marked Park Police, PP 14?

15 A Correct.

16 Q And this appears to be a synopsis and
17 conclusion of the Park Police's investigation into
18 the death of Vincent Foster?

19 A Correct.

20 Q And it appears to have been written by --
21 is it Inspector Markland?

22 A I can't see his name, but I believe it's

1 him. It's detective. It was detective at the time.

2 Now it's sergeant.

3 Q And the name to the right is Captain Hume?

4 A Yes.

5 Q H-u-m-e, and the date appears to be August
6 5, 1993?

7 A It appears to be.

8 Q So it appears -- in this document I guess
9 the last, the second page, last paragraph, why don't
10 we just read that for the record. It says "the
11 writer requests that the investigation be closed and
12 that the manner of death ruled as suicide"; right?

13 A Right.

14 Q So the Park Police conducted an
15 investigation of about two weeks after Mr. Foster
16 died to come up with a conclusion that it was, in
17 fact, a suicide?

18 A Correct.

19 Q And if, for example, you know, a
20 90-year-old woman died in her bed, you know, might
21 have an investigation that would last 30 minutes?

22 A If she had previous illnesses and contacted

1 a doctor, yeah, certainly.

2 Q And the reason why this investigation was
3 conducted was to rule out the possibility there was
4 any foul play involved in the death of Mr. Foster?

5 A Well, you rule out that, obviously, and
6 just because you rule that out, there may still be
7 people you want to talk to and things that want to be
8 done before you close out a case. Even if -- just
9 because the medical examiner says, yeah, consistent
10 with suicide, there might be -- you might believe
11 that, but you still want to talk to certain people
12 that knew him, whatever, to get as much information
13 as possible.

14 Q And you want to confirm your suspicion that
15 it is a suicide?

16 A Well, yes. I mean -- yeah.

17 Q Now, when you discovered Mr. Foster's
18 body -- when you came upon Mr. Foster's body on July
19 20th, you didn't know for sure that it was a suicide
20 or not?

21 A No, I did not know it then.

22 Q And you basically, you know, could have

1 been -- it could have been a homicide, it could have
2 been a suicide, further investigation was going to be
3 necessary?

4 A Correct.

5 Q Now, I believe later at some point you
6 discovered -- went over to Mr. Foster's car?

7 A Uh-huh.

8 Q And you discovered there were White House
9 credentials in the car?

10 A Correct.

11 Q And did that change the notification
12 procedure that you would undertake, the fact that he
13 had -- the White House credentials were in the car?

14 A The only addition would be to notify the
15 Secret Service that we had somebody with White House
16 credentials, a death investigation, and find out who
17 he was and that they would want his credentials
18 back.

19 As far as notification of family members to
20 a death, you still do your investigation and identify
21 the person and, you know, in a timely manner make a
22 notification to the family members of the death.

1 Q You used the phrase "death investigation,"
2 and that also is found on this document, PP 14. Is
3 that a term of art for the Park Police, death
4 investigation, the type of investigation?

5 A It's a generic term because until the
6 investigation is completed, until the basic facts are
7 given -- the autopsy is usually done the next day and
8 medical examiner would rule basically the next day.
9 But even on his ruling, we still defer the
10 investigation -- until his examination, the
11 examination of laboratory experts and our interviews
12 and everything else, we feel that everything comes
13 together, it's a death investigation, generic term,
14 basically until -- and then we'll classify as it was
15 reclassified here as a suicide on the ending report.

16 Q Would this have been, what would have been
17 the classification of this before the ending report?

18 A Death investigation.

19 Q Just a death investigation with no
20 classification of what kind of incident it was?

21 A Right.

22 Q So this would have been an open death --

1 A It's just an ongoing death investigation to
2 determine, you know --

3 Q The cause of death?

4 A Obviously we had evidence, we had medical
5 examiner reports, we had certain things before the
6 final report and suicide was written there, you
7 know. But until everything was done that we wanted
8 to do. It's not reclassified until the final report.

9 Q Okay. Did you have any prior experience
10 investigating activities involving high-level
11 government officials?

12 A No, and I hope I don't ever again.

13 MR. GIUFFRA: Off the record.

14 (Discussion off the record.)

15 BY MR. GIUFFRA:

16 Q And you subsequently -- you subsequently
17 have learned that an investigation involving a
18 high-level government official is different than your
19 ordinary investigation?

20 A Oh, yes.

21 Q And why do you think that is -- you came to
22 believe that to be the case?

1 A Well, it's a lot more people involved, a
2 lot more people, with a lot of high-powered people.
3 A lot of media attention, questions are asked, you
4 know. All of a sudden -- so many questions are
5 asked, it becomes a circus atmosphere, it becomes
6 something for the media to feed on and they take all
7 kinds of angles. What could it have been, could it
8 have been a murder, was it a suicide, was it a
9 murder, was it a CIA hit, you know, what were the
10 reasons for suicide, was he having an affair with
11 someone, was he doing this, was he doing that, you
12 know.

13 And every day, like I said when I testified
14 in front of the Senate last year, one of the Senators
15 commended me on my recollection of this case. Well,
16 I didn't get to tell her that I haven't had a chance
17 to forget the case from the time the guy died. It's
18 been in the newspapers every day after that. And
19 we've taken a beating, calling us all kinds of names
20 and incompetents and everything else. But the fact
21 remains the same through two other FBI
22 investigations: Mr. Foster is dead and he committed

1 suicide.

2 Q So based on your experience in this case
3 you would think that in a case involving a high-level
4 government official you need to take extra steps that
5 might not be necessary for your ordinary either
6 murder or suicide case?

7 A Certainly protocol. You would notify more
8 people. You are going to get more calls from more
9 people.

10 Q Might conduct a more thorough
11 investigation, rule out --

12 A No, I -- I take exception to that. We
13 conducted a thorough investigation in all our
14 investigations. We don't have, leave questions
15 open. Was some pressure felt -- I'm on the low end
16 here, okay, I went to the death scene, I handled
17 that. I'm on the low end. You know, Captain Hume,
18 he's an official -- nobody talks to me. I'm on the
19 low end. Did he feel some pressure? I don't know.
20 You have to ask him that. My opinion, did I feel
21 pressure, yeah, not from any person --

22 (Recess.)

1 BY MR. GIUFFRA:

2 Q You were just mentioning pressure that
3 investigators were under in this kind of a case
4 because of high-level government officials. Did you
5 personally feel that you were under pressure?

6 A I feel that -- I felt pressure from the
7 intense media scrutiny, media coverage, pressing for
8 answers. They're pressing for answers. I believe
9 there probably was other people pressing for answers.

10 Q Do you know whether anyone in the
11 administration was contacting the Park Police?

12 A Was contacting Park Police?

13 Q Either directly or indirectly, meaning did
14 someone say anything to any of your supervisors and
15 the supervisor then repeat it to you?

16 A No. Like I said, I'm at the low end. If
17 there was any direct contact, you'd have to discuss
18 that with Captain Hume.

19 Q Did Captain Hume ever say to you, did
20 anyone, say, from the White House contact the Park
21 Police about this investigation?

22 A No.

1 Q Do you know whether he spoke with anyone at
2 the Department of Justice about the investigation?

3 A I believe so.

4 Q What's your recollection of those contacts?

5 A Just straightforward telephone contacts. I
6 think he's gone from the Department now. I don't
7 even remember the guy's name.

8 Q Heymann, H-e-y-m-a-n-n?

9 A What's his whole name?

10 Q Philip. Margolis?

11 A I believe Margolis is one.

12 Q Adams?

13 A I don't know. Margolis. Heymann may have
14 been one. We got a facsimile -- did we get a
15 facsimile? I don't know if there were facsimile
16 transmissions. There was nothing secretive about it.

17 Q Do you know a man by the name of Thomas
18 Collier? Does that name ring a bell at all?

19 A No.

20 Q Let's go back to the sequencing here. You
21 sealed off the area where the body was found;
22 correct?

1 A Yes, right.

2 Q Then you went over to the car, looked
3 through the car?

4 A Well, the body was processed, medical
5 examiner showed up. It was removed before we went to
6 the car. Investigator Braun had already gone to the
7 car and ID Technician Pete Simonello was
8 photographing the vehicle when I came back down with
9 the medics and the body and the doctor and
10 Investigator Abt.

11 Q And then the car was ultimately taken away?

12 A After going through the vehicle, looking
13 through the vehicle for identification, for evidence,
14 things that we might want, yes, it was then taken
15 away and impounded.

16 Q And treated as evidence in the
17 investigation?

18 A Yes, it was impounded and secured, treated
19 as evidence. It was secured. If there was some
20 other evidence of something else coming on -- coming
21 into play here, we still kept an open mind. But,
22 again, you start having facts come up to you there is

1 a man lying on the ground with a gun shot to the
2 head, gunshot to the mouth, two bullets, one
3 expended, no sign of a struggle, no broken bushes,
4 clothes neatly in place. Impossible to carry that
5 man, move him without disturbing that body and be so
6 neat. He was over 200 pounds. 6-foot 3, 6-foot 4.
7 There is just no sign of anything other than, for
8 some reason, the man sat down on a hillside and when
9 he felt he had enough courage, nerve, whatever it
10 takes, he put a gun into his mouth and pulled the
11 trigger.

12 Q Okay. Today's deposition, as I said
13 before, is not whether --

14 A I'm clarifying. As I say, we're treating
15 the car as evidence and had it sealed, but we're
16 already leaning towards what looks like is a suicide
17 here. It's still going to be investigated further.

18 Q I know no definitive conclusion has been
19 reached ultimately until August 5th?

20 A That's correct.

21 Q All right. Then I believe the prior
22 testimony was you went to the hospital?

1 A Yeah, we went back to the hospital after we
2 cleared the scene first because we couldn't find the
3 keys to the car. And I went through his pockets, but
4 apparently his right pants pocket had pushed all the
5 way down into his groin. So we went back to the
6 hospital to check again because that bugged us where
7 would the car keys be. His wallet with money, he had
8 a wallet, was in his jacket in the car. The car was
9 unlocked, there was almost \$300 in cash in the
10 wallet. His ID. Where were the car keys? So we
11 went back to the hospital, myself with Investigator
12 Braun, and examined the body again and she actually
13 located the car keys in the right front pants pocket.

14 Q That was a fact that for a second there
15 made you think that something else had been going on,
16 so you wanted to do further investigation?

17 A It was a fact that, you know, something
18 that bothered me. Where would the car keys be?

19 Q Now, do you recall when you notified the
20 White House of or when notification was made to the
21 White House of Foster's death?

22 A I think I actually did that. I wasn't

1 sure. I thought Lieutenant Gavin did it. But I
2 had -- in my notes I had the number to the Secret
3 Service communications section. And I since I had
4 that number, so much was going on, I probably myself
5 made that notification.

6 Q From a portable phone?

7 A Cellular phone.

8 Q Cellular phone. Do you recall what time it
9 was?

10 A We got -- what time did we get to the
11 scene? About 6:00. It would have been, it would
12 have been --

13 Q 7:30, 8:00, 8:30?

14 A Probably around 8:00, 8:30 because the body
15 would have been processed and taken down and we would
16 have finished with the car and that's when we
17 actually found the White House credentials.

18 Q Let me -- do you think you called the White
19 House before you got to the hospital, at the
20 hospital, on the way to the hospital?

21 A I think I probably called them from the
22 scene, from the park before I left the scene,

1 notified Secret Service.

2 Q And do you recall what you might have said
3 when you notified the Secret Service?

4 A No, because I don't recall notifying them.
5 I'm guessing that I -- I have the number in my notes,
6 and I was looking at my notes when we were talking
7 about notification. And I have the number in
8 reviewing my notes and I got the number in my notes
9 and I go what number is this, this looks like the
10 Secret Service number and I called it and it was.

11 Q Because the Park Police has a lot of
12 dealings with the Secret Service?

13 A Yeah, certainly.

14 Q And, do you remember, would you have said
15 Vincent Foster, you would have given the person's
16 name?

17 A Like I said, I don't even remember if I did
18 it. If I did it, I would have just said White House
19 credentials, we have a death investigation going on
20 over in Virginia, maybe given them the location and
21 probably would have, yes, I would have given them his
22 name, we got White House credentials for so-and-so.

1 I'm not sure if I did it or Lieutenant Gavin did it.
2 I don't remember, to tell you the truth.

3 Q Did Gavin come to the scene?

4 A Yes.

5 Q So Gavin might have called from the scene
6 or you called, one of the two of you called from the
7 scene?

8 A I think it was probably me, because it
9 wasn't until later and he didn't stay on the scene.
10 He's a field commander and has to do a lot of duties
11 and I think he came to the scene. He was only at the
12 scene for a short while. I don't remember if it was
13 before we went up to the body. I remember talking to
14 him, but I don't remember if it was before we went to
15 the body or after we come back to the park for the
16 vehicle.

17 Q Is it possible that both of you might have
18 made calls, you might have called and then he might
19 have called?

20 A If I asked him to call I wouldn't call.

21 Q You wouldn't have called again?

22 A No, there would be no reason to call twice.

1 Q Do you recall if anybody from the White
2 House called you back?

3 A Not Secret Service. I got called from --
4 en route to the -- en route to make the notification
5 from the hospital I got a call on the car phone from
6 Lieutenant Gavin, who said he had a call from --

7 Q Watkins? Bill Burton?

8 A Well, there's a -- David Watkins was a
9 personal friend. I forget. There was a couple
10 calls. He must have been the first one because then
11 we rerouted en route to the Watkins house. A
12 personal friend, wife had been personal friends of
13 him, and it's a good idea to pick up a close friend
14 to make the notification with. So okay, we'll go to
15 his house and pick him up. And I don't know the
16 order of the phone calls. Then there was another
17 phone call. Bill Kennedy and Craig Livingstone
18 called these guys, they wanted to know where the body
19 was and if they could go see the body.

20 Q To confirm that it was Foster?

21 A Right. And at that point --

22 Q Let me ask a question, did they know it was

1 Foster at that point when they called you?

2 A Oh, yeah, Secret Service eventually let
3 them know. I still -- I had no idea who Vincent
4 Foster was.

5 Q Because then you were told to go to his
6 house, so you had to have been --

7 A A lot of people work at the White House,
8 and when Clinton came to D.C. a lot of people came
9 from Arkansas. So what his job was, you know, I'm
10 not politically suave, I don't know. I didn't know
11 who he was, but standard procedure, notify Secret
12 Service, they made their notification and then it
13 wasn't uncommon to have White House people calling
14 and saying okay, they want to see the body.

15 As far as we were concerned, fine, if they
16 could go to look at the body and identify who the guy
17 was, positively say, yeah, that is Vincent Foster
18 even though we had photographic -- we had photo ID
19 and we were positive it was him, fine, we saw no
20 problem with them going to look at the body. You
21 know, I called -- I believe I called them and told
22 them -- I think I talked to Kennedy and told him, you

1 know, it was at Fairfax Hospital and called the
2 hospital and told the security guard that they'd be
3 coming down and it was all right for them to look at
4 the body.

5 Q Okay. All right. Then you were going to
6 go to the Foster home to notify the family of his
7 death?

8 A Right.

9 Q On the way you were going to pick up David
10 Watkins?

11 A Right.

12 Q Did anyone tell you what Watkins's position
13 was at that point?

14 A No.

15 Q Did you subsequently learn what his
16 position was?

17 A He gave me a business card at the family's
18 address, and, of course, that was after prior to us
19 leaving we passed out cards and tried to talk to
20 people. And he gave me a business card, and again,
21 that was after President Clinton had arrived so I
22 kind of assumed that Vincent Foster was an important

40

1 guy and that anyone in the house there dealing with
2 this was probably --

3 Q An important person?

4 A An important --

5 Q So you assumed that Watkins was an
6 important person by the time you left?

7 A By the time I left I assumed that he was
8 friends with the President and Foster, were all
9 related one way or another, close friends and high
10 government officials.

11 Q He was someone who had some authority?

12 A Yes.

13 Q Now, when you picked up Watkins, did he
14 have a cellular phone? Do you recall whether he was
15 making any phone calls in the car?

16 A I don't think so. We basically talked in
17 the car, generalizations.

18 Q Do you recall the conversation at all?

19 A He stated his wife had been playing tennis
20 with Mrs. Foster that day. Stated he had no
21 knowledge of any depression or anything like that.
22 It wasn't a lot.

1 Q All right. Then you arrive at the home and
2 were there people there already?

3 A Yeah, before we got to the home he already
4 made the phone calls. He said he wanted his sister
5 and husband and some other people. I said well, you
6 don't make a death notification like this. I didn't
7 want it to be a circus atmosphere. It's bad enough
8 if the police come knocking at your door, you've been
9 looking for a person all day, a loved one, they're
10 going to know all already. And then you have all
11 these people trailing in behind you. That's what
12 happened anyway.

13 Q So he said -- in the car he must have made
14 a phone call in the car with you and said I'm going
15 to have some --

16 A No, he didn't make a phone call from the
17 car.

18 Q He knew?

19 A He knew I was going to be coming.

20 Q He knew you were going to be coming so
21 before you got there he made phone calls to people to
22 be at the house, Foster house?

1 A Probably.

2 Q For the notification?

3 A Right.

4 Q So by the time you got there, were people
5 there already?

6 A We parked at one end of the street and they
7 were walking up the corner, I was hoping to beat them
8 there. And they came up, they were coming up the
9 street already so I asked them to wait down on the
10 stoop and Mr. Foster and his wife to come up since
11 they were friends.

12 Q Watkins?

13 A Watkins and his wife to come up. But
14 everybody was kind of close behind anyway and it
15 didn't work out the way I wanted it to.

16 Q As far as you know, did Mrs. Foster know
17 what had happened before you told her?

18 A No.

19 Q Okay. So you knocked on the door, you said
20 to her what happened, you told her her husband was
21 dead and then what happened?

22 A Well, the daughter answered the door and

1 she identified herself. She said, oh, my God who is
 2 it. She screamed for her mother, her mother came
 3 down and was standing on the steps. We went inside
 4 and I told her basically what happened, you know, her
 5 husband Vincent was dead. She started screaming and
 6 collapsed on the steps and Mrs. Watkins went over to
 7 comfort her.

8 Q I believe you previously said something --
 9 in your previous testimony you said that Mrs. Foster
 10 said that Mr. Foster killed himself with a gun?

11 A I don't know the exact wording I said.

12 Q Your best recollection now?

13 A What she said was -- I told her I'm sorry,
 14 your husband Vincent is dead. She screamed and she
 15 said how and I think I stated he shot himself, and
 16 she asked me did he put it in his mouth, which I
 17 thought was very, very morbid, a very odd question to
 18 me. It indicated that there had been previous talk
 19 about this. You just don't ask did he put it in his
 20 mouth as opposed did he put it in the side of his
 21 head or did he put it under his chin or point it at
 22 his heart. It's just not a question that seems like

1 you would ask, did he put it in his mouth.

2 Q Okay. Then I think you previously said
 3 that the situation at the house became somewhat
 4 chaotic?

5 A Well, right. I mean, you now have -- what
 6 do we have -- Watkins's wife and five other people,
 7 so you got seven people, the daughter and the wife
 8 there. They're grieving, they're comforting them.
 9 As morbid as it sounds, the police have to get
 10 information, and that's an initial shock period.
 11 After the initial shock is over, it is easy for the
 12 police -- easier for the police to get information
 13 from grieving family members at that point. If
 14 there's not a million other people around. And at
 15 this point it just became very difficult.

16 Q Why do police want to get information?

17 A Well, we have to, you know -- yeah, I may
 18 have said he shot himself, but now we've got to
 19 follow up. Did he shoot himself, was he depressed,
 20 did we see this coming, was there any signs of
 21 depression, was there -- did he own a gun, you know,
 22 all kinds of questions you want to follow up. You

1 know, if he says no, but he has been getting -- he
2 got this death threat the other day and here it is in
3 the mail. It would be very significant.

4 Q So there's an open investigation at that
5 point?

6 A Right.

7 Q Do you recall if a man named Webster
8 Hubbell was present?

9 A Oh, yeah.

10 Q Tell me what you recall about Webster
11 Hubbell.

12 A He's very big. He's on a cellular phone
13 all night. Didn't speak to us and at one point for
14 whatever reason, I don't know if it was that he -- I
15 don't know. At one point, Investigator Braun was
16 asking one of the sisters, I'm not sure if it was
17 Sheila Anthony or one of Mr. Foster's sister, a
18 question and Mr. Hubbell came over and kind of pushed
19 her -- I don't want to say pushed, but he moved her
20 aside with his hand and took the woman that Ms. Braun
21 was talking to away.

22 Q Let me ask you a question. You said he was

1 on the phone all night. Was he sort of off by
2 himself making phone calls?

3 A The house is very small. It's a
4 townhouse. It's -- you walk in, there's a tiny
5 foyer, stairs that go up, a hall that goes back to
6 the kitchen and I suppose a basement door and then
7 there's a --

8 Q Living room area?

9 A 9 by 10, maybe 12, living room area and a
10 dining room area. And then the kitchen again. So
11 everybody was crowded together. He was kind of
12 walking around between the dining room and the living
13 room area on a little cellular phone he had making
14 phone calls.

15 Q Do you recall anyone that he may have been
16 calling, names?

17 A No.

18 Q Do you recall --

19 A I never spoke to him. I don't even know
20 what his voice sounds like because he never spoke to
21 us and he never got close enough to us to hear him
22 say anything.

1 Q Now, do you recall if Mr. Watkins, did he
2 also have a cellular phone?

3 A I'm grasping at that, I don't recall. I
4 don't know if he did. He may have.

5 Q Were there two cellular phones in the place
6 or just one?

7 A I don't remember because the phone in the
8 Foster residence, I believe, was a portable phone --
9 the downstairs phone -- so you pick it up without a
10 cord. So I don't know if there's another cellular
11 phone. He may have had one, I don't know.

12 Q Was that phone also ringing a lot or people
13 making phone calls?

14 A Not a lot. I think some phone calls were
15 made on that phone.

16 Q Do you remember incoming calls or outgoing
17 calls?

18 A I think mostly outgoing. It may have been
19 one or two incoming.

20 Q Do you recall any phone calls that anyone
21 else made during the time you were at the Foster
22 home?

1 A Who they would made them to? I mean,
2 people made phone calls.

3 Q Names?

4 A No.

5 Q Let me read off a couple of names and tell
6 me if you recollect those names being mentioned at
7 any point while you were in the Foster home.

8 Bernard Nussbaum?

9 A No. I know the names. I can tell you I
10 don't -- I never heard word one of anybody on the
11 phone, who they were talking to. I can see them on
12 the phone and if they were right next to me they'd
13 talk so lowly, so quietly that I would not be able to
14 hear a whisper. Besides them talking, you still have
15 this group of people some crying, comforting, talking
16 going on and so on, so it's not like I'm in the room
17 with someone on the phone. I'm listening, there's a
18 bunch of talking going on. Besides that, it's a
19 small room.

20 Q People trying to keep their voices down on
21 the telephone?

22 A On the telephone, yeah.

1 Q Okay. Do you recall looking for a suicide
2 note at Foster's home?

3 A No. Would have liked to, but I didn't
4 think at the time -- especially with all the people
5 there -- to ask could we go look in your bedroom, you
6 know, could we do it -- does he have a home office.
7 The place was so small I didn't even know if he had a
8 home office because he had his daughter and two sons
9 that lived there also. We did ask them to look if
10 they find anything out of the ordinary, I believe
11 such as a suicide note or anything that leads them to
12 believe -- anything that can help us at all, please
13 take it and contact us.

14 Q That was because the investigation was
15 continuing?

16 A Right.

17 Q Would you have wanted to get -- look for a
18 suicide note if there had been less people there?

19 A There's been cases that I've worked on
20 since then that family knew there was problems and we
21 asked could we go search, you know, could we search
22 your son's room, we'd like to look for a suicide note

50

1 or whatever and we'd find -- we may find certain
2 things.

3 In this case with all these people and just
4 building and building, I just didn't -- I truly
5 didn't believe -- we're the bearers of bad news as it
6 is in this case and I believed if we walked up there,
7 if we went forward and said we'd like to search your
8 bedroom, look for a note and look through his
9 belongings, we may have been booted right out of the
10 house at that point. And so we kind of held back so
11 we could at least interview some people.

12 Q You were not welcome visitors?

13 A Well, we're bearers of bad news plus this
14 is Washington, D.C. It's political. And the name of
15 the game is damage control and the family wouldn't
16 admit to a depression problem. It's family. Why
17 would she -- why did the wife ask did he put it in
18 his mouth? Obviously, to me, that indicates that
19 there was -- she caught him doing it another time or
20 they talked about it or something. It's just not a
21 question you ask. I asked if he owned a gun. She
22 asked me, well, what did it look like. I started to

1 describe it. She got angry, said she didn't know
2 anything about guns. If she doesn't, why did she ask
3 me what it looked like? To me, he had a gun and I
4 was describing it and that made her angry.

5 Q Was there any discussion of damage control
6 while you were in the Foster residence?

7 A No. Like I said, you know, any discussions
8 that were discussed between telephone conversations
9 or anybody else there was not in my earshot.

10 Q So you didn't hear anything that, you know,
11 maybe that caught your attention as being odd or
12 unusual, no unusual conversations?

13 A The only thing that I found odd was that
14 the family, nobody would say oh, yeah, he was, he's
15 been depressed for a while, which with further
16 investigation comes out. It would have made the
17 whole thing a lot easier from the beginning if they
18 were up front, but all this came completely out of
19 the blue. Usually that doesn't happen completely out
20 of the blue.

21 If you look back -- you may not realize it,
22 but if you look back yeah, there were indications.

1 People will say, you know, he did this, he did this, he
2 did say this, you know. Did they say this, no. It
3 was flat out no, we weren't getting -- in my opinion,
4 we just didn't get a lot of cooperation. And they
5 were upset. It's a hard thing to do, to deal with at
6 the time.

7 Q Why do you think you didn't get that much
8 cooperation?

9 A Well, number one, there is too many people
10 there. Too many people to sidetrack us, to sidetrack
11 Mrs. Foster. And I don't know if it's true of
12 Mrs. Foster or what, but for what I see -- this is a
13 personal opinion -- no matter what happens in
14 Washington, D.C. the first -- no matter how good or
15 bad it is -- the first thing is damage control. What
16 can we salvage, don't say anything until we find out
17 how bad it is. We don't want any surprises.

18 Q Did anything occur while you were at the
19 Foster home that made you think about damage control,
20 that these people were concerned about damage
21 control?

22 A No. The only thing I can point to is that

1 no cooperation. And when they finally said yes, they
2 knew he was having depression problems, they knew
3 this, they knew that, he was being treated by a
4 doctor in Arkansas who wrote him a prescription, it
5 just -- I just felt -- I used the term before that we
6 were stonewalled to that point, that for whatever
7 reason we weren't getting any cooperation.

8 Q All right. Going back to the chronology of
9 what happened, the President arrives, the scene
10 becomes even more chaotic; is that right?

11 A Well, it's not more chaotic. He arrives
12 with only one Secret Service agent, you know, he hugs
13 Mrs. Foster and is talking and it kind of gets very
14 quiet in the circle. And they're talking and he
15 looked at us and did not say hello or anything.
16 Obviously -- it was obvious to me he was upset, his
17 eyes were red. But it was a look that I felt that we
18 were truly outsiders and we're not wanted there.

19 At that time -- and at that point we
20 decided we had been there 50 minutes, I believe. In
21 the next 10 minutes we talked to a few people, David
22 Watkins, I think it was Sheila Anthony and I talked

1 to Lisa Foster.

2 Q Do you remember any of the conversations?

3 A Just giving business cards out. If they
4 come up with anything, they find anything, you know,
5 they realize anything, please give us a call. And
6 maybe I wrote the case number on the back of the
7 card. David Watkins gave me a card. Again, I never
8 talked to Web Hubbell and at that point we -- I
9 believe Cheryl Braun asked Watkins to make sure that
10 his office was secured.

11 Q Now, let's talk about that. Do you recall
12 discussing the need to seal Foster's office with
13 Sergeant Braun?

14 A It was -- no, it was kind of a -- kind of a
15 gimme, based on what we had so far. Even though it
16 was so early in the investigation everything right
17 from the beginning pointed towards suicide. But we
18 did -- it was kind of gimme -- seal the office.

19 We want to go through there. We know
20 Secret Service is not going to let us just waltz in
21 there and the White House people are not going to let
22 us just waltz in there, so we figured out how to do

1 it, seal the office off so we can figure out, because
2 probably there may be national security documents in
3 there, whatever that we're not interested in, what
4 we're basically interested in. Whitewater has not
5 hit the newspaper or maybe it was a year or so
6 earlier, but there was no, no real investigation.
7 The only thing that I was aware of once I found out
8 who he was, was the Travelgate thing, which was
9 really not that major of a deal.

10 Q Okay. Just going back to sort of what
11 happened that night, so you think you did or you
12 can't recall discussing the need to seal the office
13 with Officer Braun?

14 A I don't remember discussing it. She --

15 Q You recall her asking Watkins --

16 A She told Watkins -- I believe it was
17 Watkins -- she told she'd like him to secure the
18 office because we'd like to go through it, and just
19 hearing her say that was kind of like a common
20 thing. We want to --

21 Q Sort of an obvious --

22 A Yeah, and I believe he told her it would be

1 done and you'd have to really ask her for the direct
2 exactly.

3 Q But it was your understanding that he had
4 said yes, he would seal the office?

5 A Yes.

6 Q That's your understanding --

7 A Right.

8 Q -- based on what she told you?

9 A Right.

10 Q Okay. Just to go through this one last
11 time. Your recollection is that the request was made
12 to seal the office by Sergeant Braun?

13 A Yes.

14 Q And that Watkins said the office would be
15 sealed?

16 A Correct.

17 Q And that you thought it was, I think your
18 word was a gimme, meaning that it was something that
19 was sort of the obvious next step in the
20 investigation, seal the office?

21 A Personal office. Even though it all leads
22 to a suicide, we would want to look through there

1 because we hadn't found a suicide note. And that's
2 all we were looking for at this point. We're not
3 looking for anything other than something that will
4 lead us towards either that he found a suicide note
5 or something that would say hey, here is a binder
6 full of death threats the guy's been holding, like I
7 said before. You know, that would say, oh, wow.

8 Q Might cause you to reconsider your --

9 A Right. But that really wasn't a realistic
10 possibility based on the physical evidence, but still
11 you want to look.

12 Q Good police work would cause you to --

13 A Certainly. We'd like to look through
14 there, and a request was made. Again, being the
15 White House, I can tell you again we are not allowed
16 to walk through the gates of the White House by
17 Secret Service, whether we're police or not, and to
18 go into the White House, into a man's office. There
19 would be a battle. I knew there would be a battle.
20 She made the request. As far as I knew, Watkins
21 stated he would have it done.

22 Q Might you also want to go back to his

1 office to find out what his movements were in his
2 last hours?

3 A Well, certainly. You want to close the
4 window of death. Who was the last person to see him
5 alive? When did -- what time was that? When did he
6 leave?

7 Q What sort of things he was working on
8 before?

9 A Approximately -- yeah, again, in a normal
10 case maybe what sort of things he was working on. At
11 this point this becomes very sensitive because I knew
12 right now no one is going to tell us what he was
13 working on no matter what. If he was reading Wall
14 Street Journal they're going to tell us it's national
15 security and we can't look at it. And I didn't go to
16 the White House, but I knew what was going to
17 happen. In my limited experience, I knew what was
18 going to happen.

19 Q We'll get to that. Was the request to seal
20 the office an important action by Sergeant Braun and
21 yourself before you left, before you left the Foster
22 home?

1 A Yes, because I knew we wouldn't get in that
2 night. I knew there was no way they would let us in
3 that night. And again, I knew there would be -- I
4 think we both felt there they wouldn't let us in that
5 night, that there would be some kind of battle, so
6 we'd let the higher ups work out the details of how
7 it would be done.

8 Q Let me ask you a question, did you think
9 that Watkins had the authority to order the sealing
10 of the office?

11 A I believe he did.

12 Q Now, when someone --

13 A You know, I have his card here.

14 MR. GIUFFRA: Let's go off the record one
15 second.

16 (Discussion off the record.)

17 BY MR. GIUFFRA:

18 Q Page 2204, does that look like the business
19 card you received on the 20th from Mr. Watkins?

20 A Yeah.

21 Q And what does it say his position is?

22 A Assistant to the President for management

1 and administration.

2 Q And what would that sort of a position tell
3 you?

4 A Well, that kind of tells me as assistant to
5 the President of the United States he has direct
6 contact with the President of the United States. He
7 has authority -- to me, if we ask him to seal the
8 guy's office and he says he would do it, he would
9 have the authority to have that done, basically.

10 Q Now, you used the term "seal the office."
11 What does that -- what did you think he would do in
12 terms of sealing the office?

13 A Sealing the office basically.

14 Q Lock it up?

15 A Lock it.

16 Q No one can come in or out?

17 A I don't know. If it was me, I would have a
18 Secret Service uniform officer put at the door.
19 Basically to seal it is to not let anybody in and
20 out.

21 Q And not allow any documents to be taken
22 out?

1 A Certainly. If they remove something, it
2 might be something we want to look at. And they may
3 not know what they're removing. They may remove
4 something written on the back of something that would
5 be good to us. So, you know, we want no documents
6 removed. However it was going to be that the
7 documents would be gone through, all documents should
8 have remained in that office.

9 Q You would want to maintain his office in as
10 close a condition as it was when you told them to
11 have it sealed as possible or when he left, when he
12 left that day?

13 A Right. From the point on that we stated
14 that apparently that was our first knowledge that
15 he'd been killed when I called them at that point,
16 yes, seal the office, don't remove anything. We want
17 it the way it is, that's the indication.

18 Q Was there a request made to seal the office
19 before you made the request to Watkins?

20 A No, I don't believe there was.

21 Q You don't recall any, for example, when you
22 made when you spoke to -- either when you or someone

1 else spoke to the Secret Service agent or to --

2 A No.

3 Q -- or to Kennedy --

4 A I don't, again, exactly recall anyone
5 speaking to the Secret Service. It may have been
6 me. I have -- I draw a blank on that one.

7 Q But the first request to seal the office,
8 was this request by Sergeant Braun --

9 A Right.

10 Q -- as far as you know?

11 Also, would it be correct that the
12 positioning of the papers on his desk, for example,
13 might be a relevant factor in your investigation,
14 whether it was neat or whether it was sloppy?

15 A Yeah, I mean, if he grabbed his papers and
16 threw them up in the air, it could indicate
17 frustration, you know, his office was a mess or was
18 it normally a mess, no, it looks like he just threw
19 them on the ground, was frustrated, maybe something
20 bothering him, yeah, right.

21 Q Okay. After you left the Foster home, you
22 went back to your headquarters; correct?

1 A Back to our office, yes.

2 Q Do you recall telling any of your
3 supervisors that night?

4 A Yes, Cheryl Braun did a -- what do they
5 call it -- group page 100 or whatever to notify
6 supervisors. And she called, paged Major Hines and
7 advised him, yeah, what we had and who he was and
8 thought that inquiries probably would be made and he
9 should be aware. We're going to be working on the
10 reports all night, which turned out to be necessary.

11 Q Any discussion of the sealing of the office
12 with Major Hines or anyone else?

13 A I don't recall if she did or not.

14 Q Do you know if anybody else at the Park
15 Police asked that Foster's office be sealed that
16 night?

17 A I don't know.

18 Q Do you know if White House chief of staff
19 Mack McLarty ordered the office to be sealed?

20 A I don't know.

21 Q Do you know whether anyone from the Park
22 Police spoke to McLarty?

1 A I don't think me or Cheryl did. I know I
2 didn't.

3 Q Okay. You stayed up all night, you worked
4 on the reports. Is that pretty much what happened?

5 A Yeah.

6 Q All right. Then did you speak to Captain
7 Hume the next morning -- Detective Langston -- it
8 probably would have been Captain Hume?

9 A Langston is a chief -- is the chief of
10 police.

11 Q I'm thinking of Markland.

12 A No, I didn't talk to Hume because we stayed
13 until about 6:00 a.m., 6:30, somewhere in there.
14 Can't remember if I talked to Hume. Finished the
15 reports, made a case jacket, made copies of the
16 reports. Called the medical examiner's office. They
17 said the autopsy wouldn't be until the following day,
18 which -- what day was that on -- it was a Tuesday,
19 right. Tuesday -- Wednesday morning he said it
20 wouldn't be until Thursday morning. So we were just
21 going to stay and go to the autopsy and he said not
22 until Thursday morning. Fine, we're tired, we just

1 worked a double shift. We finished the reports and
2 we went home.

3 Q Let me ask a question, do you recall any
4 discussion with your supervisors that morning, which
5 would have been July 21st, of sealing of Foster's
6 office?

7 A I don't recall.

8 Q Do you recall any discussion of the sealing
9 of the office with Sergeant Braun that morning?

10 A No, I don't think we had any further
11 discussion.

12 Q About it?

13 A About that. If it was it was a remark made
14 during a long night, I don't recall.

15 Q Okay. Then I believe on the 21st, which
16 was the next day, primary responsibility for the
17 investigation was given to Hume and Markland?

18 A Hume was captain. He can take primary
19 responsibility over any investigation he wants to. I
20 think at that point he felt that it was such a
21 high-level political case he always got involved, he
22 felt dealing with the White House they would need --

1 they would want to deal with a little higher level
2 official than a detective.

3 Q Do you know whether he spoke to anyone at
4 the White House before he decided to take control of
5 it himself?

6 A I don't know. Like I say, I don't even
7 remember if I talked to him that morning. We left at
8 6:00. 8:30 in the morning I had barely been to bed
9 an hour and they said the White House had the autopsy
10 moved up to today -- or at 7:00 they called, 7:30,
11 and said it was going to be at 8:30. I said, well, I
12 can't drive, I'm exhausted. You want to come pick me
13 up. They sent other people to handle the autopsy.
14 Normally you like to have at least one of the scene
15 investigators at the autopsy --

16 Q Who was at the scene?

17 A -- to answer questions for the medical
18 examiner, but he had photographs and copies of the
19 reports.

20 Q Okay. What happened next in terms of your
21 involvement?

22 A I came back in and I was told that due to

1 the nature of the investigation, Hume would be acting
2 as control, Markland would have the case -- be
3 officially assigned to the case because he has more
4 experience. And Hume would also be assign himself to
5 the case as a higher official to be liaison with the
6 White House. At that point, I was told I was
7 basically out of it until -- you know, several
8 different times they needed me to do things and I did
9 them.

10 Q Now, I believe you testified last time that
11 you regularly spoke with Hume and Markland during
12 this period right after Foster's death when they took
13 over the investigation?

14 A Yeah.

15 Q And did you ever speak to them about the
16 fact that the office had not been sealed? Let me --
17 let's strike that question.

18 Did there come a time when you learned that
19 the office had not been sealed?

20 A Yes. I believe Detective Markland stated
21 that he had talked to a Secret Service guard that saw
22 someone taking boxes out of the office.

1 Q All right. Do you recall when he said that
2 to you, Markland?

3 A Within a day or two.

4 Q Of the death?

5 A Day or two, three days at the most
6 probably. Close, because I know they went to the
7 White House fairly soon after that, or tried to get
8 in.

9 Q Could you just tell us for the record what
10 you remember about that conversation that you had
11 with Markland when he said he saw -- he said that a
12 Secret Service agent said that someone was taking a
13 box of documents?

14 A He said uniform officer, Secret Service. I
15 don't remember the whole conversation. The key point
16 I remember is that -- that I remembered is that -- I
17 don't remember how we got on to it or what, general
18 talk about the case. But the office had not been
19 sealed and a Secret Service officer saw someone
20 removing boxes from Foster's office. And I, you
21 know, I can't recall any more conversation -- you
22 know, the case was an open case we discussed in the

1 office.

2 Q I understand. Do you recall whether the
3 conversation -- you think the conversation was within
4 a day, two days, three days?

5 A It was in the time frame they were trying
6 to get into the White House because I think the first
7 time they went to the White House they couldn't get
8 in. And then there was -- another time there was a
9 problem and they had to go through the Justice
10 Department. And they were finally allowed in there
11 with a number of people, whether White House people,
12 attorneys or whatever else, an FBI agent, Markland
13 and Hume.

14 Q Okay, let's just -- all right. Was this --
15 to the best of your recollection, was the
16 conversation had with Markland before the time of the
17 meeting with all of the people, the DOJ people in
18 Foster's office, where they were going through the
19 documents?

20 A To the best of my recollection, the only
21 thing that would make sense to me was it would be
22 after they had been to the White House to find this

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1 out, to find this information out.

2 Q So it's your understanding or belief that
3 Markland spoke to a uniform Secret Service agent at
4 the White House, when, the next day?

5 A I don't know if he spoke to him -- I don't
6 know if it was the next day. It was a few days
7 following.

8 Q Foster's death?

9 A My best recollection, and I don't know that
10 he even said he spoke to him. He said apparently --
11 I don't know if he said "apparently." I don't --
12 what I remember is the possibility of a Secret
13 Service officer seeing someone carrying boxes out of
14 Vincent Foster's office.

15 Q And --

16 A I don't know where he got that
17 information. I don't remember how he said it exactly
18 or -- I mean, we're talking two years ago.

19 Q Do you recall whether he -- whether the
20 boxes were removed before the Park Police were
21 ultimately allowed into the office?

22 A I believe that would be the indication, the

1 conversation.

2 Q Was the indication from the conversation
3 that the boxes were removed the night of Foster's
4 death, or the morning after his death?

5 A I believe he indicated to me it would have
6 been probably shortly after his death.

7 Q So that night?

8 A Whether it was that night, early morning
9 hours, whatever, I don't know.

10 Q So it would have either been the night of
11 his death or the morning after his death?

12 A That's the indications I have. I'm not
13 sure.

14 Q Was this a topic of gossip or discussion
15 among people at the Park Police?

16 A Which, the case or --

17 Q No, no, this particular fact.

18 A No.

19 Q Did Markland talk about this with other
20 people or just with you?

21 A No, it wasn't -- it wasn't a big topic of
22 discussion or a big fact.

1 Q Do you know whether he discussed it with
2 Captain Hume?

3 A Oh, I'm sure he did. They were working
4 together on this thing. I'm sure they worked
5 together on it. It was an annoying fact is what it
6 was. It wasn't like a -- it's not that it wouldn't
7 matter to us in this investigation -- it might -- but
8 it was more of an annoying fact, you know. Here
9 again, Washington politics.

10 MR. GIUFFRA: Let's just change the tape.

11 (Recess.)

12 BY MR. GIUFFRA:

13 Q Detective Rolla, you indicated that, I
14 guess, Detective Markland was annoyed when he heard
15 about this box being taken down from Foster's office?

16 A It's my impression.

17 Q Do you know whether the Secret Service
18 agent saw the box being taken from Foster's office or
19 was this --

20 A I don't know how the whole thing came
21 about. You have to ask Detective or Sergeant
22 Markland now about that.

1 Q But this was something he told you about,
2 you know, in the days after Foster's death?

3 A Right, correct.

4 Q Do you know whether it was more than one
5 box? Did he say a couple boxes, one box, two boxes?

6 A For some reason, two boxes stick in my
7 mind. I don't know if that's from later newspaper
8 accounts. Two boxes stick in my mind for some
9 reason. I don't know if he gave a number of boxes or
10 said a box.

11 Q Okay. And Markland was annoyed about these
12 boxes leaving the office?

13 A Yeah.

14 Q And why was that?

15 A Well, it wasn't supposed to happen.

16 Q And is that based on your conversation the
17 previous night with Watkins?

18 A It would -- yeah, it would be based -- we
19 requested the office to be sealed and it was said
20 that it would be, and then boxes are being removed.

21 Q And would it be -- would it be damaging to
22 the investigation if boxes were removed?

1 A Not necessarily. In this investigation it
2 would have been nice if there was a straight up
3 suicide note, I'm going to kill myself. Many times
4 you don't have that. In fact, most cases of suicide
5 you don't have that, but, you know, I don't know what
6 was removed. I can't say if it was damaging or not
7 because I don't know if something was removed and
8 what was removed from there.

9 Q So unless you knew what was in the box, you
10 really can't assess how important it was, the
11 evidence?

12 A Right. I mean, if they don't want us to
13 look at it they could have had a neutral party, high
14 government official, neutral party look at it and
15 tell us if we needed it or not. But that wasn't --
16 that didn't happen.

17 Q Would you view the failure of the White
18 House to seal Foster's office as an interference with
19 your investigation?

20 A I would view it -- my personal view is the
21 request was made, an affirmative answer was given
22 that it would be done. People -- whoever, people or

1 persons -- people went in there and moved boxes.
2 What they contained, I don't know. And they could
3 have been helpful in the investigation one way or
4 another. And if that did, in fact, occur, we don't
5 have -- won't have that information, never will have
6 it now to know what was in those boxes. And it could
7 have -- again, could have helped the investigation
8 one way or another or it may not have helped, but we
9 won't know that.

10 Q Would you view that as an interference in
11 the investigation?

12 A Yes, I would have to say that was an
13 interference. It was simply a request was made -- I
14 mean, there was no court order. It was a request by
15 us. It was a case where getting a search warrant --

16 Q Isn't it true that if a Park Police
17 officer -- strike that.

18 Does a request by a Park Police officer to
19 a citizen or to a White House official to do
20 something, like seal an office, do you believe that
21 had any legal effect?

22 A Well --

1 Q Did you think you had to go to court to get
2 the office sealed?

3 A This was -- it was a request in an
4 investigation, I thought it would hold a little bit
5 more weight because I knew, it being the White House,
6 we wouldn't be allowed in there. But the request to
7 seal it was, okay, we're not going to give you that
8 tonight, we're not going to let you in there. Fine,
9 but it obviously has to be sealed because we want to
10 get in there and look at it. That was a gimme.

11 Like I said, Cheryl and I both felt, no
12 way, we're not going to walk in there tonight and
13 search his office. That ain't going to happen.
14 That's going to have to be decided among higher
15 officials that be, how it's going to be worked out.
16 So the request to seal the office, we felt, was by us
17 a legitimate reasonable request. There were things
18 we wanted to look for in the investigation, whether
19 legally we had a basis to expect it to be done, we
20 did expect it to be done. If they said, no, we're
21 not going to do that, we can't do that --

22 Q You might have gone and got --

1 A Then we might have gone and called up the
2 chain of command and see what could be done. But we
3 got an affirmative answer and we believed that it was
4 going to be done.

5 Q Therefore you didn't think you needed, for
6 example, to get some sort of a court order to have
7 the office sealed?

8 A Correct.

9 Q And isn't it the case that police officers
10 will often, you know, make requests, for example,
11 stop your car, I want you to let me see your driver's
12 license?

13 A That's kind of a different -- it's like
14 getting a search warrant for a place. Once you
15 execute a search warrant and you're in the place, you
16 can stay there as long as you want and seal it off.

17 Q Or if you see something, you don't even
18 need a search warrant?

19 A Well, right. Well, if you see extenuating
20 circumstances in certain cases you might have a
21 right, bam, a guy you're chasing runs in.

22 Q And you keep back?

1 A Bam, you can go in or there's property you
2 go in, bam, after him and you see other stuff, you
3 freeze the scene, you freeze everybody inside and you
4 seize the area and control it until you can apply for
5 a search warrant, but in this particular case we made
6 a request.

7 Q The guy said yes?

8 A And the man, as far as I was concerned, was
9 affirmative and we felt that that was good enough.

10 Q Now, I guess in your deposition last time
11 and also in your hearing you discussed the fact that
12 Park Police officials believed that the White House
13 was stonewalling their investigation. Do you recall
14 that testimony?

15 A Not exactly to what I was referring to.

16 Q Well, all right. Why don't I let you take
17 a look at your deposition at page 74. If you read
18 through 74 through 76 or so.

19 MR. IVEY: 74 through 76.

20 MR. GIUFFRA: Yeah, just skim it.

21 (Witness reviewed the document.)

22 (Recess.)

1 BY MR. GIUFFRA:

2 Q You've just read pages 74 to about 76 of
3 your prior deposition?

4 A Right.

5 Q Does this testimony still reflect your
6 recollection as to what happened?

7 A Yes, it does.

8 Q So you were talking to Detective Markland
9 and Captain Hume on basically a daily basis beginning
10 on the 20th, 21st, 22nd?

11 A Right.

12 Q Now, you were asked the question did you
13 talk about your theories of the case, how you thought
14 the investigation was going. Do you recall any of
15 those conversations -- theories of the case, that
16 would be whether he killed himself or not?

17 A Yeah, basically that we agreed that he
18 killed himself.

19 Q And you were just looking for more
20 confirmatory evidence?

21 A Right, something to back that up completely
22 and unquestioningly because, again, we -- all our

80

1 cases are done thoroughly, but this was already under
2 intense media scrutiny. And, as we have seen over
3 the last two years, there are still people that want
4 a conspiracy.

5 MR. GIUFFRA: Off the record just for a
6 second.

7 (Discussion off the record.)

8 BY MR. GIUFFRA:

9 Q All right. And then we have the statement
10 where you say "I know that Captain Hume was very
11 upset, the White House was stonewalling us in our
12 investigation in getting access to the office." Was
13 that the stonewalling, was that a statement of
14 Captain Hume, or is that just your --

15 A I've used that term before. I don't know
16 if he said that, I don't remember. He may have said
17 that. I don't know if he said that exactly. Reading
18 that, I do remember they were mad because they went
19 up the first time, they weren't -- they talked about
20 it, they were upset they weren't treated very
21 nicely. They weren't allowed in.

22 Q And they expected, consistent with what

1 normal procedures --

2 A No, they expected a little cooperation with
3 law enforcement trying to do their job given the
4 facts that, you know, obviously he's a high
5 government official. If there was any thought of
6 homicide we would have turned it over to the FBI.
7 FBI declined to come in this case because they
8 believed the facts of the case; it was a suicide. We
9 went out with it -- we expected to be treated with a
10 little respect conducting an investigation. I think
11 he was upset the way they were treated when they went
12 the first time whether talked to or being denied
13 access.

14 Q Do you recall any discussions that they may
15 have had about being able to look at the documents?

16 A Yeah. When they were allowed in they
17 weren't allowed to look at anything. I mean, there
18 were a lot of accounts in the paper about searching
19 the office and not finding stuff. I wasn't there.
20 Markland and Hume were there, and basically there was
21 an FBI agent there, they were told to sit down. They
22 sat on a sofa while eight, nine, 10, 11 other people

1 searched the office and decided what was -- what
2 could be looked at and what couldn't.

3 And what could be looked at was boxed up
4 and then given to Hamilton, the family attorney --
5 not turned over to the police -- for him to peruse
6 before we could look at it. And then --

7 Q Was that irregular?

8 A Yeah. I mean, that was fine, if you want
9 to look at under the circumstances national security,
10 whatever. I'm quite sure that everything they
11 decided was national security was not national
12 security interest.

13 Q Hold it. You are quite certain --

14 A Well, I say quite certain, in my personal
15 belief. I don't believe that every single thing they
16 said was national security -- I mean, out of an
17 entire office there was two boxes of -- or maybe
18 there was three boxes because I searched them -- have
19 personal effects and a few personal papers that were
20 out of an entire office. Regardless, we weren't even
21 given access. They were turned over to James
22 Hamilton, the family attorney, to peruse.

1 Q Before the Park Police?

2 A Before we could look at them.

3 Q Now --

4 A And why that was, I have no idea why. All
5 I can do is quote Detective Markland, and I don't
6 know if it was Nussbaum or who kept telling him just
7 treat it as a normal case, said if it's a normal case
8 the dead guy's stuff would be in my trunk, I'd take
9 it back to my office to look at it. So that was very
10 abnormal. And, of course, I went with Lieutenant
11 Kass --

12 Q We'll get to that. I just want to see what
13 else you might recall about conversations you might
14 have had with Markland and Hume.

15 So the day after Foster dies they're not
16 allowed into the office at all. Is that your --

17 A Right.

18 Q And then the next day they're allowed to go
19 to the office, but these White House officials looked
20 at the documents?

21 A Department of Justice officials had to go,
22 it's a big to-do --

1 Q And so --

2 A -- from my understanding.

3 Q And your understanding is that the
4 Department of Justice officials and the Park Police,
5 the police investigators were not allowed to look at
6 the documents, but the White House people were
7 allowed to look at the documents?

8 A I don't know exactly who was looking at the
9 documents. An FBI agent wasn't allowed. He sat
10 there with Detective Markland and Captain Hume. I
11 don't know if there was higher up attorneys in the
12 Department of Justice that looked at the documents or
13 not. I don't know all of who looked at those
14 documents. I just know that there were no law
15 enforcement people looking at those documents.

16 Q Did Hume or Markland say to you that they
17 would have liked to have looked at the documents in
18 Foster's office?

19 A Certainly they would have liked to look at
20 them. Again, with respect to certain things being
21 national security, they said fine.

22 Q Well, might --

1 A I just -- the feeling was that everybody
2 else looked at those documents, they're boxed up and
3 then what was told we could look at wasn't even
4 turned over to us. Perhaps a neutral party should
5 have been there, a trusted neutral party with a high
6 government clearance, whatever, could look through
7 his computer disk, look through things. I just get
8 the feeling that it wasn't -- my personal feeling is
9 I don't think it was neutral.

10 Q Do you know if there were any computer
11 disks in the office?

12 A I don't know. In this day and age I would
13 imagine that he had a computer in his office.

14 Q What would have been a normal procedure in
15 this circumstance? Let's suppose -- let's go back.
16 Let's give you a hypothetical. Let's suppose it's
17 the general counsel of a big company and he commits
18 suicide and no note is found. Would the Park Police
19 then want to go to the guy's office?

20 A Yeah, we'd like to look through his office,
21 we'd like to -- again, what we're looking for --
22 we're not looking to steal secrets or corporate

1 secrets or anything. We're basically looking for
2 something that will either validate or negate our
3 investigation, and that's all we're looking for.

4 Q So in the hypothetical I just posed for
5 you, you would have wanted to look through the
6 person's office without any restrictions?

7 A Well, more or less. We would have people
8 from the company there in such a case, you know, as
9 we would a family member with some of these family
10 members. Someone commits suicide we look through his
11 room. Sure, come in the room and stand there with
12 us. They can point things out to us, ask questions
13 to us. Can you do things for us actually.

14 But you know.

15 Q But in this particular --

16 A More or less I would like, you know -- and
17 let's put it this way: In the best of all possible
18 worlds I would like it without restriction, but even
19 in a high corporate counsel's office or whatever else
20 it is I don't know that that would be the case,
21 either.

22 Q Now, you previously testified that Markland

1 told you that the Secret Service officer at least was
2 aware that two boxes, perhaps, were removed from
3 Foster's office sometime near his death. Close to
4 his death.

5 Do you know whether any other boxes of
6 documents or other documents were removed from the
7 office?

8 A No, I don't know.

9 Q Now, did you subsequently learn of
10 discovery of a note that Mr. Foster had written in
11 his office, that was found in his office?

12 A Yeah.

13 Q And what did you learn?

14 A Well, Detective Joe Megby was on duty about
15 a week after they searched, a week to the day after
16 they searched, a week after his death.

17 Q About the July 27th or so?

18 A Yeah, the White House called and said they
19 had this note and we had to go up and look at it and
20 take custody of this note. It was all torn up and
21 they said it was in his briefcase. And they did
22 testify Mrs. Foster said it would look like his

1 handwriting. And experts said from the note samples
2 and the note that it was the same writer, and that
3 being Mr. Foster. But the note -- and it was torn up
4 into so many pieces, 20-some pieces I believe, and
5 one piece missing, his signature, a piece we believe
6 his signature might be, they said it was found in a
7 briefcase in the office. And I remember Detective
8 Markland stating that he watched whoever it was
9 search that briefcase.

10 Q Bernie Nussbaum, does that ring a bell?

11 A Well, it was Nussbaum or one of his aides.
12 Nussbaum was there. He watched him search that
13 briefcase and they didn't see anything.

14 Q Did Nussbaum or whomever it was who
15 searched the briefcase tell Markland that the
16 briefcase was empty? Was that your understanding?

17 A I don't think he would have talked to them
18 at all. I don't think they said anything to him.

19 Q Did Markland see into the briefcase?

20 A You have to ask him exactly. His
21 understanding was he saw the guy search it and it
22 looked like there was nothing in there. He found it

1 odd that they came, you know, to find this note --

2 MR. GIUFFRA: Could you just --

3 (Discussion off the record.)

4 MR. GIUFFRA: I'd like to show you a

5 document which we'll mark Park Police 44.

6 (Park Police Exhibit 44 identified.)

7 MR. GIUFFRA: Why don't you take a second

8 and just read it.

9 (Witness reviewed the document.)

10 BY MR. GIUFFRA:

11 Q Okay. All right. Does this -- this is a

12 supplemental criminal incident record?

13 A Right.

14 Q This is something you prepared?

15 A Yes, it is.

16 Q That's your signature down on the bottom?

17 A Correct.

18 Q And you prepared this -- it looks like you

19 prepared it on the August 1st?

20 A I can't see the date.

21 Q On the right, maybe it's Hume looked at it

22 on August 1st?

90

1 A Hume signed it on the 1st.

2 Q So you prepared it maybe?

3 A It may have been right around there.

4 Q And at this point this says 7/28/93, across

5 the top it says "Nature of Incident Death

6 Investigation" and it's still no classification?

7 A Correct.

8 Q And this discusses how -- this accurately

9 restates events that happened when you went to look

10 at the personal papers of Foster at his personal

11 lawyer's office?

12 A James Hamilton, yes, that's right.

13 Q What do you recall about going to

14 Mr. Hamilton's office -- let me withdraw that

15 question.

16 Why did you go to Mr. Hamilton's office?

17 A To view the personal effects and paper

18 documentation removed from Vincent Foster's White

19 House office that we were allowed to look at.

20 Q The Park Police was never -- was not

21 allowed to look at other documents that were in

22 Foster's office?

1 A No.

2 Q So these were the only documents that you
3 were going to be allowed to look at?

4 A That's correct.

5 Q You were not going to be allowed to look at
6 documents, for example -- let me pull back.

7 Were you aware of any other documents that
8 were in Foster's office?

9 A Was I aware of any?

10 Q Yeah, types of documents?

11 A No.

12 Q Did you know, for example, that certain
13 documents relating to legal matters of the President
14 and Mrs. Clinton were in Foster's office?

15 A I believe there were a lot of other
16 documents that, from what I was told, were of a
17 sensitive nature and we were not allowed to look at
18 them.

19 Q So it was only this category of documents
20 that the Park Police was going to be able to look at?

21 A I don't even know what category it was in.
22 I don't know what category. They didn't let us look

1 at -- they just said these are the documents you can
2 look at. I don't know what the other documents were
3 in reference to.

4 Q But these were the only ones you were going
5 to be able to look at, these documents that Hamilton
6 had?

7 A Right.

8 Q No other documents?

9 A That's correct.

10 Q Okay. And was a reason ever given for why
11 you were not able to look at the other documents?

12 A I believe they were told national security
13 reasons.

14 Q Okay. When you arrived at Mr. Hamilton's
15 office, what do you recall happening?

16 A We met with Mr. Hamilton and Mr. Spafford,
17 another attorney at the law firm, and John Sloan, who
18 said he was the executor of Foster's estate, a friend
19 and executor of the estate. And we went to a
20 conference room. There were three boxes, medium
21 sized boxes.

22 Q Say about a foot and a half by a foot high?

1 A Yeah, like those boxes that Xerox paper
2 comes in.

3 Q Okay.

4 A Containing some documents, couple
5 videotapes, personal photographs, it wasn't a whole
6 lot. Didn't take us -- I don't think it took us --
7 oh, what time did I say we went there?

8 Q Looks like 4:00.

9 A 4:00. 6:30. So actually we were there
10 2-1/2 hours.

11 Q Were you able to look through all the
12 documents?

13 A Yeah. Hamilton didn't want us to look
14 through the personal diary and I told him and
15 Lieutenant Kass basically told him that we're going
16 to look through it and we're not here to embarrass
17 anybody or ruin anybody's reputation, but if there is
18 something in there that we need, we will take it.
19 We'll take the diary if there's something of interest
20 to us as far as this case goes.

21 Q How would you define "of interest"?

22 A If he talked -- again, something leading us

1 to believe -- if he was talking of depression,
2 feeling bad, talking of suicide, writing handwritten
3 notes.

4 Q Say he was -- if he was involved in
5 wrongdoing of some sort?

6 A Well, if he wrote down that yeah, he's
7 guilty, he's worried about being caught, he was doing
8 this, this, and this his reputation is going to be
9 tarnished, whatever, sure, certainly that would be of
10 interest to us.

11 Q Now, as best you recall, you ultimately
12 were able to look at all the documents that were
13 presented to you, all three boxes?

14 A Right.

15 Q And did Mr. Hamilton represent that those
16 were all the documents he received from the White
17 House?

18 A Yes, he did.

19 Q There's a discussion in your report of
20 Lieutenant Kass viewing several videotapes?

21 A Two videotapes.

22 Q What were the videotapes about?

1 A I think they were, if I recall,
2 commencement speeches or something where he was guest
3 speaker. One was he was -- just one was recent. He
4 was a guest speaker somewhere, commencement speech,
5 and the other one was another videotape of him.
6 You'd have to ask Lieutenant Kass. They were nothing
7 really. Nothing of interest.

8 Q Do you have any other recollection of the
9 other documents you may have looked at?

10 A Some insurance papers, some bank statements
11 for, that I can remember, Madison Guaranty or it
12 looked like personal banking statements. Nothing out
13 of the ordinary. No high amounts of money or
14 anything like that. It was really very bland. Very
15 bland documents.

16 Q And you ultimately looked through the
17 diary?

18 A Yes.

19 Q I believe you testified to that previously,
20 so we don't have to go through it --

21 A Right.

22 Q -- that there was about a hundred-page

1 diary with a lot of blank pages?

2 A Yeah, I mean, it looked like a
3 five-by-eight book, if I recall, and only about 10 to
4 15 pages had writing on them. And I went back and
5 looked through and there didn't appear to be any
6 pages ripped out of it or cut out of it. It appeared
7 to be intact. And it seemed an odd way to write it.
8 It seemed like the first 10 or so or more pages were
9 empty with no writing and then it picked up.

10 Q If Mr. Hamilton had said to you you could
11 look through one of the boxes, not the other two
12 boxes that he received, that would have been -- you
13 would have been upset by that?

14 A That wouldn't have happened.

15 Q You would have -- you wanted to look
16 through every piece of paper he received?

17 A Right. That wouldn't have happened. At
18 that point we were already frustrated at the way it
19 went. It had not gone the way it should have gone
20 and this was stuff we were going to look at. And,
21 again, he didn't want us to look at the diary. And
22 we told him we were looking at the diary one way or

1 the other. If we have to take the boxes and the
2 diary and take them out of his office and seize them
3 as evidence, we'll do that.

4 Q Did you have the authority to do that?

5 A Certainly. It's possible evidence in a
6 crime. We can look through it and we'll seize it.
7 And I think he knew that and he had to back down.

8 Q Did you actually say it to him that it was
9 possible evidence in a crime?

10 A It's possible evidence in an ongoing
11 investigation and if there is anything we want here
12 we will take it, we'll make you a copy of it.

13 Q Did you tell him that?

14 A Yes, Lieutenant Kass told him that.

15 Q You recall anything else he may have said
16 to him, including the justification for wanting to
17 see everything?

18 A Well, he gave us everything. The only
19 thing he did, he put up a bit of a fuss over was the
20 diary. And there was really -- there was really
21 nothing -- there is nothing hot and heavy in the
22 diary. There was nothing, nothing steamy, nothing

1 out of the ordinary. It was --

2 Q Was it events occurring before?

3 A Yeah, the time frame -- I believe I stated
4 before, the time frame -- as I remember, there was no
5 dates on there that I recall, but the time frame, my
6 recollection, is post election/preinauguration of
7 President Clinton.

8 Q No discussion of Whitewater, Madison?

9 A No, not that I can remember, nothing like
10 that.

11 Q Just a few more questions. Do you know
12 whether Department of Justice officials were
13 satisfied with the procedure the White House adopted
14 to let you review the documents in Foster's office?

15 A I don't know if they're satisfied. I
16 don't -- I don't think they should be satisfied. I
17 think it was a horrendous procedure. I don't know if
18 they're satisfied. I think under the circumstances
19 and the scrutiny and the way things are coming out
20 that they probably will revise the way that it's
21 done. Hopefully they'll find a neutral way to do it.

22 Q Do you know of any conversations between

1 Justice Department officials and, say, Captain Hume
2 or Markland or someone even more senior in the Park
3 Police about the fact that the FBI agents and the
4 Park Police agents were not allowed to look at the
5 documents in his office?

6 A I don't know. You'd have to talk to
7 Captain Hume. He had the contact with Justice
8 Department.

9 Q Did Hume and Markland ever say to you they
10 wanted to look at all the documents in his office?

11 A No, they never said that. They didn't have
12 to say that. Again, the best of all perfect world --
13 in a perfect world, we'd like to look at everything.
14 In this case there could be sensitive things that we
15 could understand they don't want us to look at, but
16 the way it was -- my opinion of the matter and my
17 feeling from what they told me is that it just -- I
18 don't think it was a neutral searching of the office
19 by the other people.

20 Q By the White House people?

21 A Well, whoever it was. I don't know if
22 they're just Justice Department, White House, there

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1 were obviously some White House people there, who --
2 my feeling is that it wasn't a completely neutral --
3 I don't know if there is anything in there that
4 was -- I don't know if there's anything in there that
5 they removed that's --

6 Q Relevant to your investigation?

7 A Relevant to our investigation or anybody
8 else's investigation. I don't know.

9 Q That's still an open question in your mind?

10 A Yeah. I mean, obviously if the
11 documents -- we had all the documents and reviewed
12 them and they were made available for the FBI to
13 review a lot of questions would be answered, but
14 that's not happening.

15 Q So the fact that Park Police investigators
16 were not allowed to see all the documents created a
17 lot of open questions?

18 A Well, yeah, I mean, not only not allowed to
19 see, not allowed to search, not allowed to go say
20 look in a drawer or say okay, this is the
21 sensitive -- this is safe, his file Cabinet is safe,
22 it's sensitive. That's where sensitive documents

1 should be, not all over the place in a man's office
2 where the secretaries can walk in and look.

3 I mean, you have a secretary, we have the
4 police. If a secretary could walk into his office
5 and put something on his desk and look around why
6 can't the police. Sensitive documents should be in a
7 secure, safe area. And if that was that case, okay
8 fine, then we couldn't look in the safe. But they
9 weren't allowed to look, period.

10 Q Is it common for the police to be able to
11 look at sensitive documents in connection with a
12 criminal investigation in your experience?

13 A It depends what you are talking about.
14 This is my first experience dealing with a White
15 House official that died.

16 Q Say it was a corporate official, would you
17 probably look through --

18 A I've never looked through a corporate
19 official's documents, either. Yes, I would like to
20 look through documents. If they said -- if we had
21 someone there that we felt was reliable and neutral
22 and looked through it and said -- that could look

1 through and say these are corporate documents, they
2 have nothing to do with it. If you look at the
3 documents and they look through and say there is no
4 handwritten notes, there is nothing about suicide,
5 nothing about death threats or no crazy stuff on
6 here, that might appease us. We don't necessarily
7 need to know any corporate secrets or any national
8 security secrets or anything else.

9 Like I said --

10 Q Do some Park Police investigators have
11 security clearances?

12 A As the police we have a security
13 clearance. We have not been -- I don't believe any
14 of us have any -- I mean, we do security for the
15 President of the United States. I don't know how
16 much more higher security clearance you need than
17 that. We do security for the President of the United
18 States. I've stood next to him, different
19 presidents.

20 Q Let me ask you one other question and we'll
21 be -- at least two other questions. In retrospect,
22 in terms of what you might have done differently just

1 with regard to Foster's office and the papers in
2 Foster's office, are there things that you wish you
3 would have done differently?

4 A Well, I think when we made the request, I
5 think even though we got an affirmative, we would
6 have liked to, in retrospect, follow up on that a
7 little bit more to make sure that that was going to
8 happen.

9 Q Maybe go over to the White House?

10 A And if it wasn't going to happen, why
11 wasn't it, I want a name and why it's not going to
12 happen. And so something like that.

13 Q And is there anything else maybe?

14 A As far as the papers go? Well, we didn't
15 have his papers. We had a couple boxes of stuff that
16 came from his office, went to his private attorney
17 and then we were allowed to look at. So we did what
18 we could do with those and our investigation was
19 limited to suicide, not to anything else.

20 Q Because, as far as you know, the documents
21 that were -- that you reviewed in his private
22 attorney's office might not have even been the

1 documents that were in his office that were given to
2 the private attorney?

3 A That's not my feeling -- yeah, that's the
4 truth. I don't know that the private attorney,
5 Mr. Hamilton, removed anything out of those boxes.
6 But is it a possibility, sure, they weren't turned
7 over to the police, they were turned over to him to
8 review.

9 Q So that's a concern you have, or a fear?

10 A Certainly it's a concern. Maybe there is
11 something embarrassing in there, he's the family
12 attorney, maybe he removed stuff out of there. I
13 don't know. Maybe it was simple stuff, something as
14 simple as a love letter. He was having an affair
15 with someone and he didn't want the wife to know. So
16 he removed them out of there and didn't want it to
17 come out.

18 Q One last question and then I'll be done.
19 This is just a general question. We've been going
20 longer than I hoped. As you know, this part of our
21 inquiry is to look into the handling of the documents
22 in Foster's office. Can you think of anything else

1 that you would want to bring to the Committee's
2 attention that may be relevant in any way to that
3 subject that, you know, that I just haven't asked you
4 the question?

5 A No, I don't think so.

6 Q So pretty much everything that you know
7 about?

8 A Most of what I know about is all secondhand
9 and from memory and I think I've pretty much covered
10 what I remember, what's been told to me.

11 MR. GIUFFRA: Okay. Well, thank you very
12 much.

13 MR. IVEY: You want to take a break?

14 THE WITNESS: Yes.

15 (Recess.)

16 EXAMINATION

17 BY MR. IVEY:

18 Q Detective, you were asked by Mr. Giuffra
19 about your training. And specifically about your
20 training, the training about crime scenes. He asked
21 you about multiple crime scenes in particular.

22 Now, when you say "multiple crime scenes,"

1 what do you mean by that?

2 A Multiple crime scenes can be a vehicle,
3 actual location of a body. You could have a
4 shooting, a running gun battle and there will be
5 multiple crime scenes, each location where a gun
6 battle took place would be a crime scene. Any time
7 you can connect one case to another case. In an
8 incident, multiple deaths may not all occur in the
9 same building, but if there is reason to believe
10 they're connected, those are multiple crime scenes,
11 all connected to the same overall large crime scene.

12 Q Did you feel that there were multiple crime
13 scenes -- well, did you feel there were any crime
14 scenes in the Foster investigation?

15 A Well, obviously the death scene is
16 considered a crime scene for purposes of being
17 secured and properly processed.

18 Q Any place else?

19 A Until an investigation concludes that it
20 was a suicide, it's still you want to preserve it.

21 The vehicle was considered a crime scene of
22 sorts until we can go through it to find -- there may

1 be evidence and it may be the suicide note could be
2 in there, so it is a crime scene. We don't want that
3 removed or destroyed or anything else to happen
4 there.

5 Q Did you feel the house was a crime scene?

6 A No. You start moving away from the scene,
7 now you start going towards again playing with
8 words. You could say, well, the note could have been
9 left at the house. That would be evidence. You
10 start moving away from the direct scene.

11 Q I don't mean to quibble about words, but
12 I'm sure you can recall from your hearing for -- the
13 last time, for example, you used the word
14 "stonewalling"?

15 A Right.

16 Q How one word was brought back up at the
17 hearing. So I want to be very clear. I don't mean
18 to quibble.

19 A Okay. Do I consider the house itself a
20 crime scene, no. If it was a crime scene in a
21 traditional sense, then it would have been secured,
22 people would have been removed from the house so

1 police could process it.

2 Q What about the office?

3 A It was considered much like the house.
4 Personal effects were in his office, personal papers,
5 possible evidence that could help assist in this
6 investigation may be in his office. But it's removed
7 from the immediate crime scene. I can't say that
8 it's connected. Would we want to look in there?
9 Yes, we do. The house was a little more sensitive
10 area with the family, personal bedroom, stuff like
11 that.

12 We kind of asked the family members to look
13 for something to assist us. If we felt -- if it was
14 a -- if it was a homicide case or a case where we
15 felt there was definitely evidence there that we
16 wanted to recover, we wouldn't leave it to anybody
17 else. We would get a search warrant and say, we'll
18 do it as politely as we can, but we're going in. We
19 need to look. And we would recover it.

20 In this case the biggest thing we were
21 looking for was information, possible suicide note.
22 It would have been nice to find some bullets to match

1 the bullets that were in the gun, a box of bullets.
 2 But getting the response that we got from Mrs. Foster
 3 about the gun and about certain other things,
 4 depression, we just felt they weren't cooperating
 5 fully and this wasn't a good time. It was a very
 6 sensitive time.

7 Q Did you feel a search warrant would have
 8 been appropriate for the house or the office?

9 A Definitely not for the house. For the
 10 office, like I said, everything to this point was
 11 leaning towards a suicide. Still keeping an open
 12 mind looking for other things, leaning towards a
 13 suicide. If it was a homicide we wouldn't even have
 14 the jurisdiction. It wouldn't be a question. We'd
 15 turn it over to FBI.

16 Q Well, let me phrase it this way, then. Did
 17 you ever feel that you had a probable cause to
 18 believe that criminal activity had taken place,
 19 criminal activity of any sort in connection with
 20 Mr. Foster's death?

21 A I don't think based on the immediate
 22 physical evidence we could come up with probable

1 cause to believe that somebody else killed him right
 2 from the beginning.

3 Q Would you feel that you had a reasonable,
 4 articulatable suspicion at any point that there was
 5 any criminal activity connected with Mr. Foster's
 6 death?

7 A No, right from the beginning it was very
 8 straightforward. Again, keep an open mind, ongoing
 9 investigation just in case there is something out of
 10 the ordinary, but I don't think we could put down an
 11 articulatable, reasonable suspicion that there was.
 12 There was just nothing to point towards it, nothing.

13 Q Now, I know we don't want to go all the way
 14 back through the death scene and all of that again,
 15 but if you could briefly explain the factors that you
 16 saw at the death scene that led you to feel that it
 17 was a suicide?

18 A His body was laid out, he was apparently
 19 sitting on the hillside, on a steep embankment. His
 20 legs are straight, his body, his arms are at his
 21 side. There is a gun in his right hand. No trauma
 22 to the body other than what appeared to be an exit

1 wound in the center rear portion of his head, blood
 2 under his head. There is no other trauma, no signs
 3 of a struggle anywhere in the area or broken bushes.
 4 His clothes were very neat. He's a big man, like I
 5 said, 6-3, 6-4, over 200 pounds. Could not be
 6 carried and dropped at that location, or placed. If
 7 he was killed somewhere else and moved there the
 8 blood would have been all over the place.

9 There's just -- it was as violent as a
 10 suicide is, it was a very peaceful scene. It wasn't
 11 brains blown all over the place, which happens many
 12 times. The bullet exited the head and left a very
 13 small hole. It was a scene that the man just sat
 14 down, contemplated whatever he contemplated, put a
 15 gun in his mouth, pulled the trigger and killed
 16 himself. The position of his body was perfect from
 17 sitting on an embankment, pulling that trigger to
 18 falling backwards, leaving his hands at his side, his
 19 legs straight down and his head back.

20 Q Did you see any evidence of a robbery?

21 A No, there is no sign of a struggle. I said
 22 in the whole area, no broken bushes, no evidence.

1 When we went to his car, determined it was his
 2 vehicle. He had a watch on. He had, I think, two
 3 rings on and a pager on. The keys to his car were
 4 evidently in his right front pants pocket. His car
 5 was unlocked. His suit jacket and tie were in there
 6 and his jacket was, his wallet with credit cards and
 7 almost \$300 in cash.

8 Q When you say no signs of a struggle, did
 9 you see any defensive wounds on his body at all?

10 A No, no signs of any kind of trauma to his
 11 body other than the exit wound.

12 Q What about to his mouth, his teeth or
 13 whatever?

14 A I didn't look at the teeth that closely. I
 15 knew the medical examiner would and medical examiners
 16 report there were no broken teeth. There was nothing
 17 forced into his mouth. Again, as odd as it is to
 18 say, it was a peaceful suicide scene.

19 Q Now, you mentioned that there was still
 20 some things that you would want to do before you
 21 close out a case, and at the time that you started
 22 doing those things, did you -- well, what would those

1 things be, what were the types of things you wanted
2 to do before you close this case out?

3 A Well, at which point do you mean? I mean,
4 from the --

5 Q After you left the crime scene, the death
6 scene?

7 A Well, again it would be follow-up
8 interviews, family and friends to try to confirm was
9 there a problem, was he seeing a doctor, was he not.
10 Something triggered, was there a family history of
11 depression, did he own a gun, could we track that
12 down. Something to tie evidence to evidence that was
13 there with him and tie -- a motive for suicide is not
14 necessarily as important as it is in a homicide. A
15 homicide you really need to know why someone killed
16 somebody.

17 Suicide we may have general motives, we may
18 never know the exact reason why someone kills himself
19 until they tell us. It's a mental thing. We don't
20 know what's in somebody else's mind unless they're
21 going to tell us exactly, write down exactly this is
22 why I killed myself.

1 Q And there was no suicide note in this case?

2 A No suicide note per se. Again, suicide
3 notes come in a lot of fashions. It could be your
4 surroundings. And I took it as a keynote to the fact
5 that when I found him, his pager -- he turned his
6 pager off. To me that was key that he knew --
7 especially finding out later on how high an official
8 he was, people trying to track him down. He didn't
9 want to be bothered. He wasn't receiving any more
10 messages. He was out of here. To me that was his
11 note. I'm out of here, turning my pager off, I'm
12 getting no more messages, I want to be left alone.
13 And it could be right or it could be wrong. I still
14 believe that was probably his state of mind. I want
15 to be out of here.

16 Q Now, some of the other things you mentioned
17 like checking for depression, do you know if the Park
18 Police did that in their investigation?

19 A Yes. Well, let me put it this way. We
20 talked to the family that night and were not given
21 access to the family ever again. We had to go
22 through the family attorney, talk to the family in an

1 investigation that was a suicide investigation, which
2 was odd. We really weren't given access to the
3 family.

4 We were told there was no depression and
5 then finally going back to speaking with Mr. Beryl
6 Anthony who is a brother-in-law married to Sheila
7 Anthony, Mr. Foster's sister, he stated that
8 Mr. Foster had been under depression for some time.
9 Since he moved to Washington, he saw a steady
10 digression especially over the White House Travelgate
11 he started going downhill.

12 Q Well, as far as access to the family, do
13 you recall if Captain Hume interviewed Mrs. Foster?

14 A No, I don't actually. I don't know if he
15 ever got a chance to interview her himself.

16 Q Let me show you pages 2152 through 2154 in
17 the volume of our hearings and ask you to take a look
18 at those from our hearings last summer.

19 (Witness reviewed the document.)

20 So does it appear to you that Captain Hume
21 interviewed Mrs. Foster?

22 A I think that report is written by Detective

1 Markland.

2 Q Oh, I'm sorry. Detective Markland
3 interviewed Mrs. Foster?

4 A He says that she said certain things. It
5 doesn't say that he interviewed her. He's stating
6 several things from several people throughout that
7 report. He may have. I have never seen that
8 report. I have no -- he may well have. I don't
9 know.

10 Q Is it, the first line says "on 7/20/93 at
11 approximately 1610 hours Lisa Foster, wife of Vincent
12 Foster, was interviewed at the offices" --

13 A Oh, okay. I skipped down to the text.
14 Okay, so obviously he did.

15 Q And does it appear that Detective Markland
16 asked her the type of questions about mental state --

17 A Right.

18 Q -- and depression that you would have
19 asked?

20 A Yes.

21 Q And do you see that the part of the
22 statement here that discusses the name of the three

1 psychiatrists that I believe you recovered from his
2 wallet?

3 A Right, I recall that.

4 Q Was that relevant to your investigation?

5 A Certainly.

6 Q In what way?

7 A Well, it shows that he had some reason,
8 concern that he wanted to talk to a psychiatrist
9 about something personal and it was following the
10 lines that possibly -- he could have been suffering
11 depression.

12 Q And there was also information here about
13 contacting Foster's family doctor, Larry Watkins, who
14 I believe was also a friend of his and who had
15 prescribed antidepressant --

16 A I do remember. I do remember that that he
17 was going to send it to him in the mail or something.

18 Q Did that come out during the Park Police
19 investigation?

20 A Yes, that was available. I didn't, I
21 didn't read that whole report. I didn't see it
22 before this.

1 Q Okay. But, and I recognize that there was
2 a certain point where you weren't the lead
3 investigator?

4 A Right. I was out of it until kind of
5 secondhand they needed somebody to do this, they
6 needed somebody to do that, and those were the
7 reports I had written. I didn't do those things, I
8 wasn't made privy to everything.

9 Q But the point is that the Park Police as an
10 entity --

11 A Right.

12 Q -- looked at the type of things that you
13 were talking about?

14 A Right.

15 Q Mental state, talked with doctors,
16 psychiatrists and family members?

17 A Right.

18 Q What other things would you want to do
19 before you close out an investigation in a suicide
20 case?

21 A I guess every case is different. It just
22 depends on you would have to feel what the family

1 feels. If the family feels yeah, it was a suicide, a
 2 lot, many times family loved ones don't like to admit
 3 it was a suicide. If they have some reason they'll
 4 come up with reasons to say this happened, that
 5 happened, it could have been this. They'll give you
 6 things you have to check out just to say that you've
 7 checked them out and they're not true.

8 Q Did you get a sense from the family in this
 9 case, the Foster family, that they believed this was
 10 a suicide?

11 A Yes, ultimately, yes, and it's never been
 12 questioned by them.

13 Q Did you, I guess on the night that you went
 14 to talk with them they said something about did he
 15 put the gun in his mouth or whatever?

16 A Yeah, Mrs. Foster asked did he put it in
 17 his mouth.

18 Q And what did you take that comment to mean?

19 A As I stated before, it's something she
 20 either caught him doing, witnessed this or maybe he
 21 threatened to do. It's just too odd of a question to
 22 ask did he put it in his mouth as opposed to anywhere

 120

1 else on your head or your chest.

2 Q When you were in the Foster house and Lisa
 3 Foster was there, Laura Foster were there, did you
 4 ever hear them say something like that's impossible,
 5 he couldn't have killed himself?

6 A No.

7 Q Anything along those lines?

8 A No, no. They never disregarded the
 9 possibility of suicide or the statement that I said
 10 he shot himself. They just -- the only thing they
 11 did was not come forward in stating that he had been
 12 suffering depression.

13 Q Okay. Now there's a statement by the
 14 Foster family that they released on the first
 15 anniversary of his death and it was made part of our
 16 hearing record from last summer. It's on page 154.
 17 The first line reads "The independent counsel's
 18 report on Vincent Foster's death confirms what his
 19 family long has believed, that deep depression, which
 20 we will never fully understand, caused Vince to take
 21 his life. We also concur that the Whitewater affair
 22 had nothing to do with his death."

1 Would you take that statement to mean that
2 there's any question or doubt in their minds at all
3 about whether his death was a homicide or a suicide?

4 A No.

5 Q Now, you mentioned that upon finding White
6 House credentials in Mr. Foster's car that it caused
7 you to do some things differently than you might have
8 normally. What types of things did you do
9 differently based on finding White House credentials
10 in the car?

11 A Well, the only thing differently was to
12 notify the Secret Service, the communications
13 section, his White House credentials to Vincent
14 Foster, you know. Find out who he is, they want
15 these -- let them know that we have credentials, that
16 there's an ongoing death investigation so they can
17 make their notifications through the White House
18 chain and they can retrieve the credentials.

19 Q Did it cause you to do anything differently
20 in the way that you conducted your part of the
21 investigation?

22 A No, I mean it wasn't like we found him and

1 I ran over to the phone and called Secret Service.
2 We processed the vehicle, we collected him and I,
3 probably on the scene before leaving the scene,
4 contacted them. Either I did or Lieutenant Gavin
5 did, and I really, I draw a blank there. I can't
6 remember.

7 Q Did you ever feel any pressure from the
8 White House with respect to your investigation about
9 what the outcome of the investigation should be or
10 how your reports should be written or anything along
11 those lines?

12 A No.

13 Q No?

14 A No.

15 Q Now, you said that you felt an intense
16 media scrutiny. What type of scrutiny did you feel,
17 what did you mean by that?

18 A Well, not so much in the immediate days
19 after. Probably the week after. Once the
20 announcement came out they started, all these rumors
21 started going around, misinformation given by Major
22 Hines accidentally.

1 Q What type of misinformation?

2 A About the gun having been tested by the
3 Metropolitan Police and reporters called Metropolitan
4 Police and they said they'd never seen the gun. And
5 the big coverup started. He was not aware Alcohol
6 Tobacco & Firearms tested, did all the tests that had
7 to do with the firearm and from that point on it just
8 snowballed downhill from one thing to another.

9 Q Were all the statements you saw in the
10 media accurate?

11 A No.

12 Q Were there statements you saw in the media
13 that were -- well, did you see statements in the
14 media about the Park Police moving the body or
15 something along those lines?

16 A Yeah.

17 Q What was the reaction to those types of
18 press stories in your office?

19 A First when it came out in -- the New York
20 Post is a rag of a newspaper anyway, they're
21 laughable. But as they persisted and spread to other
22 newspapers, it was very frustrating, quite angering,

1 angered at our officials, our higher officials for
2 not stepping up and holding a news conference and
3 saying, hey, this is all bull. We've already closed
4 this case out. This is the results of the
5 investigation, you are welcome to see them, whatever
6 else. That didn't happen.

7 And thus we took a beating, the name
8 "Park," and "Park Police," indicating we were a
9 bunch of park rangers that didn't know what we were
10 doing. Well, that's not the case. We work in urban
11 areas in New York, Washington, D.C. and San Francisco
12 and we're not rangers. And rangers do a fine job
13 where they're at, but we work in urban areas. And as
14 you know because I've worked with you as a U.S.
15 Attorney, we handle the same things that every other
16 police department handles to a lesser degree because
17 of our jurisdiction, but we're also smaller.

18 So on a scale, same scale, we handle quite
19 a few incidents, major and minor, so it's
20 frustrating. It was annoying. I don't know how many
21 times to how many people whether they're police
22 officers, other friends, relatives, other people I

1 had to explain this case to and listening to the
 2 radio stations, G. Gordon Liddy and Rush Limbaugh.
 3 It's very annoying being slammed like that when
 4 people that listen to them have no idea who we are
 5 and then believe all that crap. So that's very
 6 annoying, very frustrating.

7 Q Now these conspiracy theories typically
 8 provided a motive, I guess you could say, for why
 9 someone would have wanted to kill Vincent Foster.
 10 And I don't want to go into them now.

11 A You'd have to pick one because there's a
 12 whole bunch of them.

13 Q You talked about it in your last
 14 deposition, but I did want to ask you, how did you
 15 think -- you were upset by the media, the way the
 16 media dealt with this case. How do you think the
 17 Foster family felt about the way the media handled
 18 this case?

19 A They're still printing -- there are still
 20 full page ads once a week in The Washington Times.
 21 I'm sure they're exasperated by it. I know it hurt.
 22 It brings up bad memories. It's something they have

1 to face instead of moving on with their lives. They
 2 have to face it daily or weekly now.

3 Q Had you seen some of the press pieces on
 4 Mr. Foster that were published before his death that
 5 were critical of --

6 A Yes.

7 Q How do you think those made him and his
 8 family feel?

9 A Well, I don't want to seem cold. But
 10 that's politics. He was alive. He was in public
 11 eye, that's politics. That's just -- I mean, whether
 12 it made him feel bad or, sure, nobody likes to get
 13 bad press. Everybody feels bad when they get bad
 14 press, but once you get in the public eye like that,
 15 that's whether it's any form of the media or
 16 politics, you know, certain people are going to slam
 17 you no matter who you are or, you know, the other
 18 side is going to slam you because they don't like you
 19 or they don't like you --

20 Q Is that true for the way the Park Police
 21 investigation has been dealt with in the press?

22 A I feel that on some fronts extremists have

1 slammed us, G. Gordon Liddy, Rush Limbaugh. I'm a
2 registered Republican, but I feel like we've been
3 slammed by them. Certain senators made some
4 disparaging remarks about us. I think people should
5 get their facts straight before they start making
6 remarks. But I feel that we were just a political
7 football.

8 Q Could you understand why the Foster family
9 might have been a little media shy at the time they
10 found out that Mr. Foster was dead?

11 A What do you mean "media shy"?

12 Q Maybe not really excited about all of the
13 this being played out in the press the way it
14 ultimately has?

15 A Oh, I think, I can understand why I felt
16 that way. I don't want -- the police, they didn't
17 want to play it out in the press the way it was, but
18 sure.

19 Q Now, let me ask you, you were talking about
20 the notification of the White House, and you
21 mentioned in your notes you had a phone number for
22 someone from the Secret Service?

1 A I think it's a general number, the
2 communications section.

3 Q Let me see if I can get you to take a look
4 at some of your notes here and tell me which ones
5 might be relevant. I'm going to hand you again the
6 volume from last summer's hearings, pages 485 through
7 490, and ask you to take a look at them and see if
8 those contain any of the notes that you're referring
9 to.

10 (Witness reviewed the document.)

11 A Yeah, it's right here.

12 Q Which page is it?

13 A 488. I believe it's the Lieutenant
14 Walter. 395-4366, I believe that's their
15 communications number.

16 Q And you said that Lieutenant Gavin came to
17 the scene?

18 A Yeah.

19 Q You ever had a chance to read his statement
20 to the independent counsel?

21 A No, after a while I stopped. I just lost
22 interest.

1 Q I can understand that. Okay. Well, page
2 1555 of the volume from last summer's hearings, the
3 statement says "Lieutenant Gavin states that to the
4 best of his recollection Mr. Burton" -- oh, I'm
5 sorry, let me start up a little higher.

6 "To the best of his recollection, one of
7 the detectives at the scene called him later in the
8 evening informing him that they had found White House
9 identification for Foster. He stated that within 10
10 minutes of receiving that call he called the U.S.
11 Secret Service notifying them. Lieutenant Gavin
12 stated authority shortly thereafter (within five to
13 10 minutes) Mr. Bill Burton who identified himself as
14 the assistant White House chief of staff contacted
15 him by phone. Lieutenant Gavin stated that he asked
16 for a callback number and was provided two numbers by
17 Burton." And which I don't think we need to read.

18 Now, the notes that you had, I mean you
19 have a number written down, but you didn't really
20 indicate what you did with the number?

21 A No.

22 Q I guess what I'm trying to find out is if

1 you're sure that you made the call or not?

2 A No, I, out of everything I draw a blank
3 there and I don't know why that number's there. All
4 I know is it bothered me, I called it, it's the White
5 House communication, Secret Service, and just led me
6 to believe that either he told me to call or he -- or
7 else because I also have a name, a Lieutenant Walter.

8 Q Okay. Let me get one more thing, too.

9 A Perhaps we both called because I may have
10 called them as far as setting up an arrangement for
11 them to come down and retrieve the identification.
12 That's what that may have been in reference to.
13 Because later that evening or the morning hours an
14 agent did come down to receive the White House
15 identification.

16 Q Okay. Let me read from your statement to
17 the independent counsel, page 481. Again, I don't
18 know that this nails it down, but I just want to make
19 sure that you've heard all of these and see if any of
20 them jog your memory at all.

21 "Subsequent to the discovery of these
22 keys, Investigator Rolla advised that he was

1 telephonically contacted by Lieutenant P. Gavin, USPP
2 with the instructions to telephonically contact
3 Mr. David Watkins, a personal friend of the Foster
4 family who had requested permission to join
5 Investigator Rolla in the death identification of
6 Mr. Foster.

7 "Immediately after receiving these
8 instructions Lieutenant Gavin recontacted
9 Investigator Rolla with the instructions to call
10 Mr. Bill Kennedy at the White House who was seeking
11 permission from USPP to physically identify
12 Mr. Foster's body at Fairfax Hospital. Rolla advised
13 that in addition to contacting Mr. Watkins to verify
14 that Mr. Watkins would join him in the death
15 notification, Investigator Rolla advised security
16 officials at Fairfax Hospital of USPP approval for
17 Mr. Kennedy and he believes a Mr. Craig Livingstone
18 to identify the decedent's body at Fairfax
19 Hospital." Does that fit with your recollection?

20 A Yeah.

21 Q Okay. So you called Livingstone or did you
22 speak to Livingstone or Kennedy or both?

1 A I think it was Bill Kennedy, he just said
2 Craig Livingstone is right here with me. They
3 identified themselves and basically stated they
4 wanted to see the body, asked if they could see the
5 body.

6 Q Okay. Do you know, at this point, are you
7 sure if you made the call to the White House or
8 Gavin?

9 A To Livingstone and Kennedy?

10 Q No, to the Secret Service.

11 A No, I'm not sure. I may have called again
12 in reference to late -- maybe a later call in
13 reference to them retrieving the identification,
14 having an agent come down, retrieve the
15 identification. That's the only thing I can think
16 of.

17 Q Okay. Now, about the death notification, I
18 guess you've been asked a number of times about your
19 use of the word "stonewall." We're going to make it
20 one more. At your -- at the hearing last summer you
21 were asked about your use of the word "stonewall" at
22 the depositions from last summer. And I want to read

1 part of your hearing testimony back and see if that's
2 still the way you feel about it. This is from the
3 hearing pages 87 and 88.

4 "Senator Kerry: Looking at your
5 deposition, Mr. Rolla, where you were asked
6 previously about your presence there you used the
7 word 'stonewalled.' You were referring exclusively
8 to family members who at the time were distraught; is
9 that correct?

10 "Mr. Rolla: That is correct.

11 "Senator Kerry: But no official or no one
12 at the White House stonewalled you at the death of
13 Vince Foster I take it you mean; is that correct?

14 "Mr. Rolla: That is very accurate.

15 "Senator Kerry: So your perception of
16 stonewalling is only as to distraught family members
17 one hour after you'd been at the scene of the
18 suicide.

19 "Mr. Rolla: My meaning of stonewalling is
20 that, yes, right. I guess it sounds worse than I
21 meant it. Yes, we were stonewalled. And again, I
22 explained that by the fact that they had information

1 about the depression, different things, and we were
2 given no information.

3 "Senator Kerry: Now, no one at any time
4 whatsoever pressured you into what you should put in
5 your report, did they?

6 "Mr. Rolla: No.

7 I guess the questioning there is when you
8 used the word "stonewalling," I mean it conjures up
9 notions of White House and presidential attempts to
10 block investigations and I think Senator Kerry was
11 asking you if your use of the term referred only to
12 the family at the time of the death notification. I
13 believe your answer here is yes, that's right?

14 A Yeah, maybe it was too strong a term. At
15 that point I really had no -- we had contact with
16 Watkins. He was really the only White House person
17 that talked to us and can't say there was no
18 stonewalling. We asked for this office to be
19 secured, he said it would be. So basically it was
20 the family, meaning that they just had information
21 about the depression, and the other family members
22 that were there also knew information and nobody

1 slipped up and gave information that somebody else
2 wouldn't give. It was nobody said anything. That's
3 what I meant.

4 Q So this death notification was a bit
5 unusual, I would take it, from what a typical death
6 notification would be?

7 A A little bit unusual, yeah.

8 Q And you and Investigator Braun --
9 investigator at the time, did try and ask questions
10 and try to get information as you would in any
11 typical death notification?

12 A Yeah, we were there for an hour.

13 Q But you did end up getting some
14 information, for example, Mrs. Foster was aware that
15 he had a gun. She didn't seem surprised when you
16 mentioned a gun, did she?

17 A She didn't admit they had a gun. I asked
18 did he own a gun, she asked to describe it. I
19 started to describe it, she got angry and said she
20 didn't know anything about guns and sort of stormed
21 off.

22 Q When she asked you -- what was it about,

1 did he put it in his mouth?

2 A Did he put it in his mouth.

3 Q Was that a useful comment, I mean did that
4 provide information that was useful?

5 A In my mind it was very useful. It's
6 just -- I don't think it's a comment you ask after
7 you are told a loved one committed suicide. You
8 might say how or, oh, my God, or eventually ask how.
9 But to say shot himself, did he put it in his mouth,
10 I mean even if she said where would be different.
11 But to say specifically did he put it in his mouth, I
12 can't, that was very odd.

13 Q And I guess their absence of a certain type
14 of reaction such as denial that he might have
15 committed suicide or disbelief that he committed
16 suicide, I guess that allowed you to draw some
17 conclusions as well?

18 A Yeah, that night and over the entire
19 investigation there was no denial. You know, never
20 denial about the suicide so that helped confirm.

21 Q And ultimately Mrs. Foster did end up being
22 interviewed by the Park Police?

1 A Apparently, yes.
2 Q Also you interviewed Beryl Anthony and
3 Sheila Anthony as well?
4 A Not Sheila, just Beryl at his office.
5 Q Did he provide useful information?
6 A Yes, he did.
7 Q And he's the brother-in-law of Mr. Foster?
8 A Right. Mr. Foster lived with them when he
9 first came to Washington for a period of time before
10 the family moved up, moved here from Arkansas.
11 Q And you spoke with the Foster family
12 doctor?
13 A I didn't.
14 Q Park Police?
15 A Right.
16 Q Who also just happened to be a good friend
17 of Mr. Foster's as well. And from the three of those
18 people you got a lot of information about --
19 A Yeah, we were satisfied with our
20 investigation that when we closed out the
21 investigation we were satisfied that it was a
22 suicide.

1 Q Now, while you were at the Foster house for
2 the death notification and people were making a lot
3 of phone calls, did you have any sense that there was
4 anything conspiratorial going on about -- I mean,
5 what was your feeling about these phone calls?
6 A Notifications.
7 Q That these people were calling friends,
8 family?
9 A Well, I think they were calling other White
10 House officials. I mean, this is a high government
11 official in the White House, office in the White
12 House, I think they're spreading the news of what
13 happened. Other than that, the content of the
14 conversations I can't say.
15 Q And the notifications, probably how there
16 was a group of people waiting for you when you got to
17 the Foster house?
18 A What do you mean?
19 Q Well, by the time you got there obviously
20 some people --
21 A They arrived at the same time we arrived.
22 Watkins had called certain people. I can't say which

1 ones he called, but they came together. There was
 2 four or five of them. Beryl Anthony -- I mean,
 3 what's his name? Talked about him before.

4 Q Hubbell?

5 A Hubbell, Web Hubbell, Sheila Anthony, I'm
 6 not sure if Bowman was there, the other sister.
 7 There was another female. Might have been both
 8 sisters and another -- maybe another man. I seem to
 9 remember four or five people in the party. It was
 10 just congested.

11 Q At the time you were there for the death
 12 notification, do you know if Mr. Foster's mother had
 13 been notified of his death?

14 A No. In fact, they asked us not to because
 15 she had not been and they asked us not to do a press
 16 release because she had not been notified. She was
 17 elderly in Arkansas living alone. And they were
 18 going to try to get somebody out there to make
 19 notification to her, which we went and held off on
 20 making a notification and the White House went ahead
 21 and made a press release before we made ours.

22 Q Do you know if his mother had been

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1 contacted before they made, released their press
 2 release?

3 A No, she hadn't.

4 Q Do you know if the two sons, Mr. Foster's
 5 two sons had been contacted at the time you were
 6 there?

7 A No, they were out, they were trying to
 8 locate them. They had gone out to a bar in
 9 Georgetown somewhere. They didn't know exactly where
 10 they were at.

11 Q Do you know if anybody in the house was
 12 trying to reach the mother and the sons?

13 A They didn't want to do it over the phone.
 14 The sons, yeah, they were trying to figure out where
 15 they went. I don't know if they sent somebody to
 16 look around Georgetown for them, but it shouldn't be
 17 kind of tough anyway. But the mother they didn't
 18 want to do over the phone. That's why they asked not
 19 to release the press. They wanted somebody to go to
 20 the house.

21 Q Did they call somebody in Arkansas to have
 22 them go to --

1 A They said they were going to. If they did
2 I don't know who they called.

3 Q Do you know if Mr. Foster had a sister that
4 lived in Arkansas, Sharon Bowman?

5 A Sharon Bowman lives in Arkansas. Like I
6 said, I'm not sure -- my impression was both sisters
7 were at the house that night. I don't know if she
8 was in town for a reason or not. If it wasn't her it
9 was another female. I know Sheila Anthony was there
10 and there was another female there also.

11 Q Do you know if they were trying to do
12 anything illegal with these phone calls?

13 A I don't know.

14 Q Do you know if they were trying to do
15 anything like call the White House and ask them to
16 hide anything?

17 A I don't know.

18 Q Now, you mentioned that you felt that what
19 was going on at the time you were in the house was, I
20 think your term was "damage control." And by that
21 you meant -- well, what did you mean by that?

22 A Don't give out any information until we

1 know what's going on. I said there's other family
2 members there. Nobody slipped up and said he was
3 suffering from depression or nobody noticed it. I
4 mean, nobody knew nothing at all. It was a complete
5 surprise to everybody there. And what I mean by
6 "damage control" is you don't cooperate with the
7 police and the investigation until you find out
8 what's going on here. Don't give out any information
9 until.

10 And I still feel that way, you know, they
11 did know things were going on and they were
12 distraught and, however, being distraught doesn't
13 help you from saying yes, he was suffering from
14 depression. They would give us certain stuff, but
15 it's just I don't know. There was a lack of
16 cooperation. And again, yeah, they were distraught,
17 it was shortly after being notified. I don't see a
18 reason to lie to the police in that situation
19 because, I mean, they could say they don't want to
20 talk about it, come back tomorrow. No, they point
21 blank, no, they didn't, it was a surprise to them.

22 Q Have you ever been -- have you ever been to

1 a death notification where people denied they just
2 couldn't believe that a suicide had been committed,
3 that this man would kill himself?

4 A Yes.

5 Q Do you receive training about how people
6 react to deaths sometimes, cycles of denial, anger
7 and all that stuff?

8 A Yeah, right.

9 Q Have you ever seen people go through a
10 denial stage at the time that you notify them?

11 A Denial that they're dead, denial could
12 be -- a lot of times they deny that it's happened,
13 that they're dead. They go on to a bargaining stage,
14 bargain with God for something to get it back and
15 then go on to another, another stage. Denying that
16 it was a suicide, yeah, it happens quite often in a
17 suicide case where parents won't believe, somebody
18 won't believe no matter what the physical evidence
19 says they just -- or that it's an accidental death.

20 We have one case now, woman who went into
21 the river, Anacostia Park, apparently accidental, but
22 was splitting up from her husband. Family swears

1 that he poisoned her and did all this stuff to her.
2 Won't accept that she had an accident and went into
3 the river and drown.

4 Q Do you feel that -- well, do you know if
5 the Foster family was in a denial stage at all?

6 A No, no. As far as I know -- other than
7 that night, and I don't really think it was a denial
8 stage. Maybe it was something -- I can't even say it
9 was something they didn't realize because when we
10 came out and talked to them about it finally, it was
11 something they all knew. It wasn't something they --
12 well, it was like, yeah, I did see those signs, now
13 it makes sense. It was something they knew. I don't
14 think it was a denial stage. I just think they just
15 didn't want to say anything at the time.

16 Q Why do you think that was?

17 A Again, my personal assessment, just I don't
18 know. I think you deal in politics or media, life in
19 front of the media so often you don't put anything
20 out in front of anybody until you consult, whether
21 it's with your attorney, with other family members,
22 with whatever else. I just felt that nobody would

1 say anything.

2 Q Given -- I mean, you've had two Senate
3 investigations, this one being the second, delved
4 deeply into statements made by Mrs. Foster at the
5 time she learned her husband was dead, the reaction,
6 collapse on the stairs and scream and all of this.
7 All these rumors and innuendo played out in the press
8 asked during depositions and asked, some are to you.
9 I mean, do you feel the Foster family is really that
10 far off base in being concerned about their privacy?
11 I mean, you say damage control -- well, let me stop,
12 I'll let you answer.

13 A I don't know that. I will give you the
14 answer, say it the way you want to hear it. Being
15 concerned for their privacy. Everyone is concerned
16 for their privacy, you're right. We're not out there
17 to hurt anybody or to take anybody's privacy away,
18 but if the police have to do an investigation, and
19 like I said, I've already explained it. I don't
20 think it was a denial stage because everybody was
21 blatant out there. I just think one reason or
22 another they didn't want to make a statement at that

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1 time. And they didn't, and they later did. And I
2 think if they did it earlier on it would have been a
3 little simpler on everyone involved.

4 But damage control, you know, why did he
5 kill himself, I don't -- I don't know that he ever
6 did anything wrong, I don't know that they know that,
7 suspect it or anything else, but if they, if they did
8 suspect it or whether they knew or didn't know, I
9 don't know, maybe just to me that's Washington
10 politics. Don't tell anybody, don't say a word until
11 we find out what we got and then we'll tell them what
12 we want them to know. And basically that's what we
13 got, what they wanted us to get.

14 The documents out of the office, it was
15 very out of the ordinary. After they picked what we
16 could look at, they give them to the family attorney
17 before they give them to the police. I mean, that's
18 just ridiculous.

19 Q Well, let's ask, let me get to the
20 documents. Ask you about that. You testified
21 earlier this is sort of a first case you've been
22 involved with that dealt with sort of a high-level

1 public official. But let me ask you about your
 2 thoughts on certain types of investigations that
 3 might involve those types of cases. Let's say we've
 4 got a case with the exact same circumstances
 5 surrounding a death, but that it's a Senator or
 6 member of Congress or a Supreme Court Justice, do you
 7 feel that or do you believe that you would be able,
 8 the Park Police would be able to go to that Senator's
 9 office and just go through the documents that may be
 10 in that Senator's office?

11 A No. Again, I qualified that in a perfect
 12 world -- all best possible worlds we'd like, that's
 13 what we'd like to do.

14 Q How would you try and make that work out?

15 A I think in the same -- we'd have to get
 16 officials involved and, you know, talk to other
 17 officials, maybe other Supreme Court Justices, other
 18 Senators, aides, I don't know exactly. But there has
 19 to be a way to go in and look for evidence, get a
 20 neutral observer, a neutral somebody that's not
 21 politically looking at something, somebody
 22 politically that knows what the police want and is

1 willing to go in while in the police presence and
 2 look for these things and turn things over to the
 3 police or let the police look.

4 Like I said, national security documents,
 5 whatever, they should be in a safe, they should be in
 6 a file cabinet, a safe. A secretary can walk in and
 7 put things on a person's desk and now she may have
 8 the clearance, but I mean I'm a police so I hold a
 9 police pretty high regard. I hold myself in high
 10 regard. If I see something of national security I'm
 11 not going to go running to the Russians or anything
 12 else, go and broadcast it on the news. So I feel
 13 that a lot of it was, a lot of it is, you know, just
 14 maybe making a bigger thing out of things than they
 15 are.

16 Q Well, you mentioned a neutral third party.
 17 I mean, do you have any ideas about who that might
 18 be? I mean, I won't get into the private sector
 19 issue.

20 A That would be --

21 Q Who do you think that may have been?

22 A That would be tough. I kind of consider

1 myself a neutral third party. I'm the investigator.
2 I'm just trying to find out the facts of the case.

3 Q Okay. But the Park Police, you work for
4 the Park Police?

5 A Right.

6 Q And the Park Police is a branch under the
7 Department of Interior?

8 A Right.

9 Q And the Secretary of the Interior is
10 appointed by the President?

11 A But you see, then you have -- then you have
12 this investigation. Did anybody coerce you with
13 writing your reports or a certain way or doing a
14 certain thing? And that's why we have the checks and
15 balances. Maybe we could get a grant and study
16 this. I don't know.

17 Q Not these days. Well, at the time, you
18 know, that you were interested in searching
19 Mr. Foster's office, you recognize that there might
20 be documents in the office that are, you said,
21 national security concerns?

22 A Yeah.

1 Q Okay. Do you feel that there might be some
2 other documents in there too that might be sensitive
3 in some way?

4 A Well, sensitive to who? I mean, he may
5 have been an attorney, private matters for President
6 of the United States, but those are private matters.
7 If it's not national security, I'm not looking to
8 violate anybody's privacy, but I am looking for
9 evidence and I feel that we should have the right to
10 look for that evidence. Actually, a dead man has no
11 right to privacy. The only protection that's still
12 protection is a protected disease, is AIDS. We have
13 to get permission to get the results of an AIDS
14 test. Other than that a dead person really has no
15 right to privacy.

16 Q Well, let's say a defense attorney dies,
17 and he has his files in his office with respect to a
18 case that you may be working on. Would it be your
19 view that those files, since he's dead, would
20 therefore become available to the Park Police or
21 would there still be some privacy?

22 A Let's put it this way. What are we looking

1 for?

2 Q I'm sorry?

3 A What are we looking for? Whether we look
4 at some files and it's a sensitive nature, if that
5 has nothing to do with the case we're on then that
6 has nothing to do with it. And that should remain a
7 private nature and we should not be compelled to
8 testify about something we saw incident to an
9 investigation in say the attorney-client privileged
10 area or doctor-patient privilege area.

11 But we should be able to look for stuff
12 that is relevant to our investigation. If it is
13 relevant, you know, then it's relevant. That's all,
14 it's evidence. But if it's not then we should not be
15 compelled at a later date to testify of things that
16 we have seen.

17 Q Now you mentioned that in searching the
18 home you wanted to be sensitive to family's privacy,
19 particularly with respect to the bedroom?

20 A Right.

21 Q Why is that?

22 A Well, the bedroom probably, among any other

1 room, is the most private room of anyone's house.
2 Your personal belongings, your clothes, you keep your
3 most personal thoughts, most personal belongings in
4 your bedroom. And the fact that he shares a bedroom
5 with his wife makes it that much more personal. If
6 he lived alone in a bedroom by himself, it would be a
7 different story, but shared a bedroom with his wife,
8 makes it that much more difficult and more personal I
9 think.

10 Q Are you familiar with the Park Police
11 investigations manual that I guess was published on
12 July 20th of last year?

13 A Uh-huh, yes.

14 Q Do you know who wrote the manual?

15 A The manual --

16 Q Detective Rayfield I believe?

17 A Yes, Detective Rayfield basically put it
18 together with input from other detective
19 investigators.

20 Q Have you had a chance to look at it at all?

21 A Yes.

22 Q Do you think it was a pretty good job?

1 A Overall, yeah.

2 Q There's a part in here, there's a section
3 on suicides.

4 (Recess.)

5 (The reporter read the record as requested.)

6 BY MR. IVEY:

7 Q I'm reading from page 1338 of the published
8 volume of last summer's hearings. This is from the
9 section on suicide. It says "Place of Employment:
10 For a complete and comprehensive investigation an
11 investigator shall visit the place of employment of
12 the deceased. It may be necessary to interview
13 friends and co-workers to determine unusual behavior
14 or mood changes of the victim when conducting
15 interviews at the place of employment. The
16 investigator shall organize the on-site activities
17 with the supervisor at the location. While talking
18 with the supervisor a request shall be made to
19 examine the victim's work area. This should be done
20 in a dignified and unobtrusive manner."

21 Does that passage make sense to you?

22 A Yes.

1 Q As far as sealing off an office, that
2 wasn't mentioned in the passage. Is that correct?

3 A Yes, that's correct.

4 Q Have you been involved in other cases, not
5 homicides, but suicides or are you aware of any
6 suicides where offices have been sealed where the
7 suicide didn't take place at the office?

8 A I don't recall. I can't say yes or no
9 right now. I don't recall.

10 Q None come to mind one way or the other?

11 A A lot of suicides are just, you know,
12 they're not businesspeople, there's no office to go
13 to really. We search bedrooms and other stuff, not
14 asking them to be sealed off. And again, this was
15 kind of a special case. The nature of the victim and
16 place of employment. But like I said, there was no
17 court order. We asked that it be done so we could
18 come because we knew they wouldn't allow us in to
19 look at the office that night. So we asked that it
20 be done so it could be preserved as close as possible
21 for when we were able to go in there. And that was
22 reasonable.

1 In a regular suicide if there was a place,
 2 an office, you wouldn't wait two or three days to go
 3 there. You make -- do your investigation, identify
 4 the body, make a notification, find out this
 5 information and next business day try to go to the
 6 office, advise them what happened and look in the
 7 work area.

8 We knew -- we knew we weren't being allowed
 9 in.

10 Q When you say "look in the work area," you
 11 mean?

12 A Not searching. I mean, like it says in
 13 there, a dignified manner. You're not searching --
 14 and we wouldn't be searching for, reading every
 15 document, looking at every single thing in there.
 16 Basically looking for something to go along with the
 17 investigation or go against it and say or to do
 18 nothing, find absolutely nothing. It probably
 19 wouldn't take hours upon hours because we're not
 20 going to look at every single -- read every document
 21 and take notes on everything we find in there because
 22 that's not relevant. There are things in his car I

1 didn't take. They were not relevant.

2 Q When it said to contact his supervisor, I
 3 guess the decedent's supervisor?

4 A Oh, certainly. You're not going to walk
 5 right in anybody's office, whether it's the White
 6 House or anywhere and, it's the police, we're going
 7 to go over here and look around. It's protocol.
 8 Which is protocol, the White House was contacted,
 9 notified and that's all protocol.

10 Q And when you say you only wanted to look
 11 at -- you didn't want to look at everything, I mean
 12 there may have been thousands of documents in
 13 Foster's office for all I know, but how would you
 14 figure out, how would you narrow down your search?

15 A You would have to look -- you'd have to be
 16 there in person to look at the stuff. I mean, I open
 17 a drawer and I look at -- all right, I'm looking, I'm
 18 working on basically what I got here is a suicide.
 19 This is a file full of legal documents, other stuff,
 20 what is it that I'm going to find in these things.
 21 Is there a possibility that, oh, here's a crooked
 22 land deal? I don't know if I would even know what a

1 crooked land deal was that a high powered attorney
2 put on legal documents, I don't know. Might not help
3 me at all.

4 What I'm looking for is some sign of
5 oncoming depression, oncoming suicide, a receipt for
6 the bullets, a gun or the box of bullets or the note
7 or a letter to his family, a will, his insurance laid
8 out, something like that or here's a list of death
9 threats he hasn't been telling anybody he's getting,
10 it's kind of a personal nature. Maybe they're
11 blackmailing him with something, something like
12 that. I'm not going to look through and read every
13 legal document.

14 Q Would you be able to get any help from the
15 supervisor?

16 A That's what I said, I stated that before.
17 Certainly you would have someone there to help you
18 point out certain things, certainly not stop you from
19 looking if there is someplace you really wanted to
20 look, not to stop you from looking there, but to
21 assist you and say, okay, fine, these legal
22 documents, peruse them, that's what they look like

1 and it doesn't look like there's anything out of the
2 ordinary there, I don't need to examine them more
3 closely.

4 Q So would you feel that you need to look at
5 every document in the office necessarily?

6 A Well, like I just said, you have to be
7 there, you have to look and get the feel for the
8 situation. Most likely no, you're not going to look
9 at every document or read it, memorize it. You're
10 not going to take notes on every document or take
11 every document out of an office for evidence unless
12 you were doing some kind of investigation which you
13 would need documents which --

14 Q Now earlier you made some reference
15 something about death notes or death threats or
16 something along those lines when you were answering
17 Mr. Giuffra's questions. Did you see anything in
18 this case, the physical evidence, the scene you
19 investigated or anything you've learned subsequently
20 that would give you any indication that there was
21 some homicide or foul play in this case?

22 A No, and the death notes comment was just

1 hypothetical thing. If there was something there,
 2 we'd want that. But no, again I stated before from
 3 the beginning there's been no sign regardless of
 4 conflicting reports by medics and a mysterious
 5 witness and everything else, the gun was in his hand,
 6 there's been no sign of anything out of the ordinary
 7 in this case. This was a clear case of suicide.

8 Q Okay. You also said earlier something
 9 along the lines of if he was reading The Wall Street
 10 Journal, no matter what, they were going to tell us
 11 it was national security.

12 And I just want to clarify that. Was that,
 13 do you know what the reason that was given for the
 14 special rules about the documents in Foster's office?

15 A Well, I think you'd have to talk to Hume
 16 and Markland and the FBI agent that was involved.

17 Q Okay. So that was just an example you were
 18 giving?

19 A Well, I believe the national security was
 20 the reason given. They couldn't search because of
 21 national security reasons.

22 Q Do you know if they gave any other reasons,

1 privileges, attorney-client privilege you mentioned
 2 earlier?

3 A We talked about the attorney-client
 4 privilege. And like I said, if they see something
 5 that's not relevant -- we're looking for something
 6 relevant to our investigation not looking for
 7 anything else.

8 Q Okay. So, for example, background
 9 biographical information on people who were applying
 10 for judgeships or high-level positions in the
 11 administration, I take it you would not be
 12 interested?

13 A No. Our investigation -- you know, you
 14 don't want -- you know, you can take an investigation
 15 to any level you want to take it. You can say well,
 16 you know, he was working on something, he was trying
 17 to push someone through a judgeship. We have to look
 18 at every document and every person he ever knew and
 19 try to find something he ever did wrong this could
 20 have caused. We don't do that. We're not out to
 21 embarrass the family or anybody any more.

22 It's a tough thing to deal with a suicide.

1 Trying to find an outward fairly open reason why
2 someone is committing suicide, and we're not digging
3 up to every person he ever knew to find dirt on
4 somebody. So that information would not be useful to
5 us, no.

6 Q You mentioned that I guess the next morning
7 you learned that Captain Hume and Detective Markland
8 were going to take over the investigation?

9 A Uh-huh.

10 Q How did you feel when you found out that
11 they were putting you on the sidelines for this
12 investigation?

13 A Oh, I said this last time. Like anybody
14 else, I feel competent I did a good job, but I
15 understand it's normal. Detective, same background,
16 similar background as me patrolled narcotics and then
17 he went DEA two years same as I did. And then he
18 went over to the major crime section and he had been
19 in major crimes longer than I and I had merely done
20 Parks investigations.

21 I just started over in major crimes, you
22 know, it was natural. It was like I felt I could do

1 the job. Always enthusiastic enough to do it, but it
2 was like we were told you're going on the special
3 team. Okay. You know, you're not going -- you're
4 going to be on the special teams. They pulled me in
5 to go over and interview, look at the documents, do
6 certain things, which was fine. Whether I like it or
7 not it was reasonable for them to do that.

8 Q Okay. Reasonable because of what?

9 A Pete Markland had more experience in major
10 crimes death investigations at the time. Captain,
11 he's a captain, he can basically do whatever he
12 wants. He's in charge under the major. But
13 reasonable feeling that the White House and upper
14 level would want to deal with a higher official other
15 than a detective.

16 Q Now with respect to the investigation that
17 took place at the White House, is it true that you
18 never went to the White House --

19 A Right, that's true.

20 Q -- for this investigation?

21 A Right.

22 Q All right. So your testimony is just so

1 we're clear based on conversations from the office,
2 maybe Markland or Hume or someone who was involved in
3 that part of the investigation?

4 A That's correct.

5 Q You mentioned a conversation you had with
6 Detective Markland in which you said he'd seen a
7 Secret Service --

8 A I didn't say he'd seen. I don't remember
9 the context or how he knew or what. You have to ask
10 him about that. But I remember him saying a Secret
11 Service officer saw somebody removing a box from the
12 office, a box -- or like I told him, two boxes maybe
13 sticks in my mind for some reason whether it's from
14 later reports or whatever, I don't know. But the
15 context of that conversation, how he knows that or
16 heard that, I don't know.

17 (Discussion off the record.)

18 BY MR. GIUFFRA:

19 Q Do you know if Detective Markland ever
20 spoke with The Washington Post about seeing
21 someone -- speaking to a Secret Service agent who saw
22 someone carrying a box in the White House?

1 A No, I don't know if he spoke to The Post.

2 Q Okay. Let me show you this article from
3 The Washington Post dated April 20th, 1995. The
4 title is "Whitewater Counsel Probes Question to
5 Foster Documents Removal." And ask you to look at
6 the third paragraph there.

7 (Witness reviewed the document.)

8 Okay, now recognizing that the conversation
9 you had with then Detective Markland was roughly two
10 years ago, do you know if the version that's in the
11 third paragraph here of The Post is accurate or not?

12 A If that's what he says, if he says that's
13 what it is, that's what is accurate. I don't
14 remember the context or the exact wording or anything
15 else.

16 Q All right. Well, are you sure? I believe
17 your testimony was something about seeing someone
18 removing boxes from Foster's office.

19 A Okay, all right.

20 Q Now --

21 A Then that was wrong. I was going from
22 memory and that was wrong if that's what he said the

1 incident was that sounds like the incident I'm
2 talking about, then that's from his memory and he was
3 there.

4 Q Okay, for the record, let me read it.
5 "Sergeant Pete Markland said in an interview this
6 week that when he arrived at the west wing that
7 morning to search Foster's office, he was pulled
8 aside by the uniformed Secret Service officer
9 stationed at a desk by the elevator. Markland said
10 the officer told him the White House security chief
11 Craig Livingstone had come down the elevator earlier
12 that morning carrying a cardboard box filled with
13 papers." Okay. So coming off the elevator, but not
14 coming out of the office.

15 A Well, if that's what he says I'll trust him
16 because I don't have direct knowledge and it was a
17 two-year conversation, two years ago. And I told you
18 I don't know the context or exact wording or what.
19 And I may be confusing it because I thought there
20 were media reports over the last two years that there
21 was an admission by someone taking, removing
22 documents from Foster's office, so I could be

1 confusing that, adding that in there with this.

2 Q Okay. Now you said earlier that it's not
3 necessarily damaging to the investigations if boxes
4 were removed. Now, I take that to mean that given
5 the physical evidence that you saw at the death scene
6 it might not necessarily be damaging, but I wanted to
7 ask you what you meant for sure by that, by that
8 statement?

9 A Yeah, in this case there was enough
10 overwhelming physical evidence and then eventually
11 testimony by family and friends, doctors to
12 overwhelmingly support the suicide theory. So
13 whether there was an actual suicide note or some
14 other things that may have cinched it for the media,
15 not for us, were cinched, we'll never know if that
16 was in there or not.

17 In another case if documents were removed,
18 I don't know. Certainly if there was something there
19 that could have helped us, you know, could help us or
20 it can't. I mean we're at the stage we're at we know
21 what happened.

22 Q You know it was a suicide?

1 A We know it was a suicide. We've proved it,
2 I'm sure and I don't believe there is anything in
3 there that could disregard that theory and the only
4 thing there could have been something perhaps that
5 could further have cinched it.

6 Q You quoted a couple of times Markland's
7 comment about in a normal case, you know, files would
8 have been in my trunk. And I guess you've said on
9 several occasions that this was not a normal case. I
10 do want to make sure that I understand what your view
11 on that is. A few minutes ago you said you didn't
12 necessarily want to go through everything, you just
13 wanted to look through some things that you thought
14 would be relevant?

15 A Right.

16 Q So when you quote Markland's comment?

17 A Stuff that we would have boxed up instead
18 of sitting there perusing it, peruse it back at our
19 office where we can spread out, take our time looking
20 at something, have a cup of coffee, and go over it
21 and go over it a second time if we needed to. If we
22 didn't need to peruse it, don't need that, boom, put

1 it back in the box and it may be a fast, a quick
2 assignment or it may take a while.

3 But, you know, you go to the office you're
4 going to look through, do a cursory look instead of
5 doing just like when you do a search warrant. You
6 find documentation, bam, you don't sit there and go
7 through each document at the search warrant scene.
8 You take it back, box it up. You take it back and
9 look at it. Anything that you don't want to use as
10 evidence you return and give them a receipt, people a
11 receipt for whatever you've taken and return the
12 documentation back to them.

13 Q Okay. When a search warrant case we were
14 talking about mail matter, maybe it's letters or
15 bills or something.

16 A Or money laundering documents or whatever
17 else.

18 Q In this type of case where you are dealing
19 with the White House counsel's office, I mean, would
20 you seriously be thinking about boxing up everything
21 and taking it with you or --

22 A Like I said, not everything. You decide

1 what you want to, you know -- personal stuff. A lot
2 of times in business place you would take the
3 personal stuff out of there anyway and turn it over
4 to the family, turn over the personal effects
5 anyway.

6 We probably wouldn't take, you know -- I
7 probably wouldn't take his pictures off his wall or
8 the name plate or other things, but there may be
9 other things that I would want to take to look at.
10 His insurance folder -- may want to take the
11 insurance folder and peruse that. I may not be an
12 expert on insurance to look at that. I may want to
13 have somebody else, hey, look at this, what does
14 this -- is this a normal thing.

15 Q Are you speaking primarily in terms of
16 personal documents?

17 A Yes.

18 Q That's what you mean?

19 A Well, yeah, personal documents.

20 Q So documents related to his work again we
21 mentioned the --

22 A Like I said, we're not digging into

1 somebody's work or job unless that's going to have a
2 direct effect on what happened.

3 Q Did you feel --

4 A A direct correlation. I can't get into
5 anybody's head in a suicide and say, well, this
6 bothered him so he did this. Either he wrote it down
7 and said he did this wrong or whatever and then I
8 want to look at it or otherwise. I'm just not going
9 into every, I'd be working on one investigation for
10 the rest of my life going through documentation to
11 find out why something happened.

12 Q The documents you mentioned that you
13 searched at Hamilton's office, or that you reviewed
14 in Hamilton's office, were those the types of
15 documents that you were referring to? I don't have a
16 sense of what was in there other than the diary.

17 A For the most part it was personal, personal
18 insurance documents, banking documents, I don't know
19 that it covered the whole spectrum of personal
20 documents, but, yes, those type of things are what
21 I'm looking for. I'm not looking for his secret work
22 documents. I'm not doing that type of an

1 investigation.

2 Q How long after the death was it before you
3 looked in the documents in Hamilton's office?

4 A Where is the report?

5 Q Is that the one?

6 A Yeah, it's the 28th, yeah, so eight days.

7 He died on the 20th, right. So it was the 28th.

8 Eight days.

9 Q You mentioned that I think you said a lot
10 of questions would have been answered or would be
11 answered if there had been a chance to go through the
12 documents. What types of questions did you mean?

13 A I think I said there might have been
14 answered.

15 Q Okay. Let me ask you that --

16 A Did I say that in reference to --

17 Q Looking through the documents is the
18 context. I'm looking at an article here, it says
19 "Vincent Foster's death is a lively business for
20 conspiracy buffs." It's from the Wall Street Journal
21 on March 23, 1995.

22 A I read that one.

1 Q And I guess it points to a number of things
2 that "open questions about the investigation." Why a
3 bullet wasn't found for example. Are the types of
4 questions you felt would have been answered relevant
5 to the determination as to the manner of death?

6 A No, no.

7 Q You still think it would be a suicide?

8 A Oh, yeah, I think what I'm talking about is
9 what I said just a couple minutes ago. Possibly what
10 were in those documents if any were removed maybe the
11 direct suicide note was in there. Something like
12 that that would cinch it for the media like I say.
13 For me it's a cinch. We believe that we did an
14 accurate investigation. I don't believe we would
15 have found anything to reverse -- you can't reverse
16 physical evidence.

17 I mean, it's just too overwhelming and I
18 don't think we would have found anything out of the
19 ordinary other than perhaps some writings concerning
20 his feelings about certain things that may show he's
21 depressed or a direct suicide note. But if they were
22 there, they're gone or like I said I think I said

1 love letters. Not that I know, have any information
2 that he was having an affair with anybody. I want to
3 get that straight.

4 Q Thank you for --

5 A I don't have any information. It's
6 hypothetical.

7 MR. GIUFFRA: You avoided a question.

8 THE WITNESS: It's hypothetical. If he
9 was, and they were in there, perhaps if they were
10 removed that would be a possible reason for suicide,
11 did she leave him or whatever, you know, you could
12 just think of a million possibilities. Those type of
13 personal things that may be embarrassing to the
14 family that someone would want to remove them for
15 that reason.

16 BY MR. IVEY:

17 Q So the documents could have filled in?

18 A It may have filled in some, some things
19 like was he having an affair, crazy stuff or it may
20 have said yeah, here is a direct suicide note, I'm
21 killing myself because of this.

22 Q But as far as the ultimate issue?

1 A No.

2 Q Which is whether it was a suicide or not?

3 A I can answer the questions these nuts ask,
4 but they don't want to listen to the answers.

5 (Discussion off the record.)

6 BY MR. IVEY:

7 Q Just another, I want to clarify another one
8 of your hypotheticals here.

9 A Please.

10 Q You mentioned something about illegal
11 activity. Did you have any indication that
12 Mr. Foster was involved with or connected with any
13 illegal activity at all?

14 A I don't know what reference, in reference
15 to what I said that, but no, no, that's -- I have no
16 direct knowledge that he was involved in anything
17 other than speculation from the newspaper.

18 Q Okay. You mentioned earlier that you
19 thought that Markland and Hume were upset because
20 they weren't treated well at the White House?

21 A Yeah.

22 Q How? I mean, were they very upset or I

1 mean how, what was their reaction?

2 A I know Captain Hume was upset. I don't
3 remember Pete exactly how upset he was. Captain Hume
4 was angry. I mean --

5 Q Were they outraged?

6 A I don't know. He was angry. I mean,
7 outraged. He wasn't screaming, ranting and raving.
8 He wasn't breaking chairs or anything. He was angry,
9 he mentioned he was angry. He was controlled about
10 it, but he was angry.

11 Q And you mentioned you felt that they were
12 frustrated with the way the whole thing had gone, at
13 the White House?

14 A Yeah, I think so.

15 Q Do you think that their frustration or
16 anger may have colored the way they described the way
17 they were treated up there?

18 A I think that's what frustrated them. I
19 don't -- no, they're professionals, you know,
20 regardless of what anyone thinks, they're
21 professionals too. And I don't think they -- they
22 called it as they had seen it.

1 Q We may be done here. Oh, let me ask you
2 this. I don't recall the answer to this one. How
3 many other cases have you worked on where there's
4 been a request to seal the office or are you aware
5 of?

6 A You've already asked that one.

7 Q Right, I know, but I don't recall what the
8 answer was.

9 A I said I don't know. I don't know if
10 there's ever, if there is any that I've worked on. I
11 said a lot of our suicides are not necessarily
12 businesspeople, no office to go to. And then you
13 brought up the death manual and the suicide section.

14 Q Okay. So your answer is that you can't
15 think of any?

16 A I can't think of any. I don't know if
17 there is one that I've worked on where we requested
18 to seal an office. This was a special case. Like I
19 said normally you would, once you identify somebody,
20 find out who they are and you want to conduct your
21 investigation, the next business day you would go to
22 the office. In this case we knew we weren't going to

- 1 be allowed in the office.
- 2 Q Have you ever dealt with a lawyer's death?
- 3 A No, I've not personally dealt with a
- 4 lawyer's death. Well, yes, Mr. Foster's.
- 5 Q Well, other than Mr. Foster?
- 6 A No, no.
- 7 Q Have you dealt with the deaths of anyone
- 8 that's in an office context, an executive of some
- 9 sort?
- 10 A No.
- 11 Q Are you familiar with any cases the Park
- 12 Police has handled --
- 13 A I can't think -- I mean, I'm not aware --
- 14 we handle so many death investigations, different
- 15 deaths in different areas, I'm not aware of -- well,
- 16 yeah, there was a homicide case, not a suicide. This
- 17 guy, Skyler Alland was a male, I don't know, up in
- 18 the Baltimore/Washington Parkway area, up in the
- 19 business area. He was murdered and dumped on the
- 20 Baltimore Parkway. He was a president of a
- 21 corporation.
- 22 Q Do you recall if his office was sealed?

- 1 A No, you'd have to talk to Detective
- 2 Markland or Detective Squires about that. They were
- 3 on that case.
- 4 Q What was the name of the decedent again?
- 5 A Skyler Alland, I think A-I-I-a-n-d. And I
- 6 don't know if they sealed his office off or asked
- 7 that it be sealed. I just went up there to search
- 8 it.
- 9 MR. GIUFFRA: Was this a murder or
- 10 suicide?
- 11 THE WITNESS: This was a murder.
- 12 And the office really wasn't a crime
- 13 scene. It was secondary search.
- 14 BY MR. IVEY:
- 15 Q I do have one last question. What is
- 16 this? I mean, is this document in your handwriting,
- 17 this is --
- 18 A No.
- 19 Q From the interior documents number 173?
- 20 A Not my handwriting.
- 21 Q Did you write JCR at the top of all your
- 22 notes?

1 A Yeah. Those are my initials. Unless I
2 missed a page, but that's not my handwriting. I
3 could tell that right away. It's not mine. I've
4 never even seen that.

5 Q Did you feel that the Park Police had ever
6 lost control of its investigation of this death?

7 A Never lost control of it, no, I don't think
8 we ever lost control of it. There were frustrating
9 moments like trying to get into the White House to,
10 you know, do what we had to do there. It's
11 complicated -- it was complicated and different
12 things. We've never lost control of this
13 investigation. We did a thorough investigation. I
14 think our results have been backed twice by the FBI
15 now.

16 MR. IVEY: Okay. That's it for me.

17 EXAMINATION

18 BY MR. GIUFFRA:

19 Q I just have two questions. Okay. There
20 are a lot of questions about whether you would want
21 to review every document in an office. Is there a
22 difference between reviewing every document in an

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1 office and having the opportunity to review every
2 document in an office?

3 A Yes.

4 Q So that the critical fact for you would be
5 someone could say, well, there is this room full of
6 documents you can look at all of them and you might
7 only look at one box worth?

8 A Right.

9 Q As opposed to someone saying, well, there
10 was this room full of documents, but we'll only let
11 you look at this one box?

12 A I wish I had said it before, that explains
13 it perfectly. Having the opportunity doesn't mean
14 we're going to do it all. We use common sense in
15 looking, for what we're looking for, but if anything
16 is removed, then we don't have that opportunity,
17 whether we would have even looked at them or not, we
18 may have bypassed them, but we will never know
19 because we have not had that opportunity.

20 Q So the impact on that opportunity is an
21 interference in your investigation?

22 A I can think -- I can't think of any other

1 way to say it, but yeah.

2 Q Let me just ask one other question. There
3 were a number of questions about the stonewall
4 comment. At your deposition and then also when you
5 spoke to when you testified and I believe Senator
6 Kerry at page 87 asked you whether you felt like you
7 were being stonewalled at the notification scene.
8 Now, if you look at the deposition testimony, the
9 stonewalling comment appears to be in the context not
10 of the notification but of the ability of the Park
11 Police to see the documents in Foster's office?

12 MR. IVEY: What page of the deposition are
13 we on?

14 MR. GIUFFRA: We're on page 75.

15 MR. IVEY: What line?

16 MR. GIUFFRA: 10, 10, 11.

17 (Witness reviewed the document.)

18 BY MR. GIUFFRA:

19 Q Is that correct that you used the term
20 stonewall in the context of the search of Foster's
21 office, not in the context of the --

22 A Well, I used it I think both. When I was

1 saying this I may have, I believe I was repeating
2 Captain Hume saying.

3 Q Captain Hume said --

4 A He was upset and I believe this was
5 after -- this was after the first time they went up,
6 weren't treated nice and had to come back down and he
7 was angry. And he may have said they were
8 stonewalling us. Whatever he meant by that or what
9 was actually going on or whether it was just
10 frustration, because I said this is from memory,
11 but -- and as I already said it, and he was upset
12 that day. He was angry and I said the White House
13 was stonewalling us in our investigation. And
14 basically I think I was repeating what he said and it
15 was more in reference to getting into that office and
16 doing what we had to do.

17 Q You think he used the word "stonewalling"?

18 A I think he did use the word
19 "stonewalling."

20 MR. GIUFFRA: Okay. No more questions.
21 We'll ask him.

22 MR. IVEY: Let me ask one more question,

1 too.

2 EXAMINATION

3 BY MR. IVEY:

4 Q Okay. You were asked about the difference
5 between reviewing every document and having the
6 opportunity to review every document. Would having
7 the opportunity to review every document have changed
8 your ultimate conclusion that Vincent Foster's death
9 was a suicide?

10 A No.

11 MR. IVEY: Okay, that's it.

12 MR. GIUFFRA: Thank you very much for your
13 cooperation. I know we all appreciate it very much.

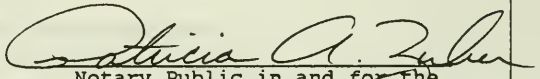
14 (Whereupon, at 6:40 p.m., the deposition
15 was concluded.)

16
17 -----
18 JOHN C. ROLLA
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21
22

CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, PATRICIA A. ZUBER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.


Notary Public in and for the
District of Columbia

My Commission Expires FEBRUARY 14, 2000

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription

5/6/94

John C. Rolla, Investigator, Criminal Investigative Branch United States Park Police (USPP), telephone number 690-5050 was interviewed at the Office of the Independent Counsel, 1001 Pennsylvania Avenue, Washington, D.C. Investigator Rolla was advised as to the identity of the interviewing agent and informed of the nature of the inquiry. He then provided the following information.

In response to a USPP radio communication that a dead body had been discovered at Fort Marcy Park, Investigator Rolla, in the company of USPP investigators, Braun and Apt arrived at Fort Marcy parking lot at approximately 6:35 pm on July 20, 1993. With the concurrence of Investigator Braun, Investigator Rolla was designated as the primary investigator for this matter, with Investigator Braun primarily handling the investigation in the parking lot at Fort Marcy. Investigator Rolla advised that upon arrival at the Fort Marcy Park the above officers were briefed by USPP Officer Ferstl and informed that the decedent had apparently died of a self inflicted gunshot wound to the head and was tentatively identified as Vincent Foster, Little Rock, Arkansas. Rolla also advised that a 1989 Honda Accord with Arkansas license plate discovered in the Fort Marcy parking lot was thought to belong to the decedent.

Rolla advised that after this orientation and in the company of officers Apt and Ferstl and possibly Officer Hodakievic proceeded to the death scene where they joined up with Sergeant Edwards (USPP) and possibly Officer Julie Spatz (USPP). After a briefing by Sergeant Edwards, which included Edwards exhibiting to Rolla a number (exact number unknown) of polaroid photographs of the dead body, he was informed that the body had not been touched and personally observed that the area around the death scene had been taped off.

According to Rolla, he observed the decedent from a series of vantage points, stating that the decedent's head was straight up, resting just below the crest of a berm, eyes slightly open and that facial blood consisted of blood leading

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by _____ Date dictated 5/3/94

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Continuation of FD-302 of John C. RollaOn 4/27/94Page 2

from the right nostril to the side of his right face and blood emanating from the right side of the decedent's mouth. He further advised that the facial blood was still wet but starting to dry. He also observed a pool of blood under the decedent's head which appeared wet, but was also in the process of drying. Rolla also observed a deposit of blood on the decedent's shirt in the area of the right upper shoulder which also appeared to be wet but drying.

Rolla further related that the decedent's arms were straight along the side of his body, with his legs straight. With the exception of the blood previously noted on the right shoulder area of the decedent's shirt, Investigator Rolla observed that the decedent's shirt appeared relatively neat and unruffled with no observable signs of soil, dirt or debris. The trousers, according to Rolla, were relatively neat, void of any signs of blood or other extraneous matter. He advised that from his observations of the body, there were no signs of struggle or any evidence to suggest that the body was physically placed at the crime scene or tampered with in any form or fashion.

After the above observations were noted, Investigator Rolla positioned himself to the body's left side and leaned across the body and physically observed a revolver in the decedent's right hand with the right thumb lodged between the trigger and the trigger guard. Rolla indicated that to the best of his recollection, approximately 15 minutes after arriving at the death scene, he took a series of polaroid photographs of the decedent's body and the immediate death scene area to include photographing a pair of dark rimmed eyeglasses which were partially covered by foliage and which were located at the bottom of a slope at a distance of approximately 15 feet from the decedent's feet.

Subsequent to taking the above described photographs, Investigator Rolla does recall lifting the decedent's left hand to check for lividity and advised that the body in his opinion was still relatively warm with no observable signs or indications of rigamortous. Investigator Rolla qualified his statement, however, by noting the extreme heat that day but still opined that he thought the body was dead for two to three hours. Additionally, Investigator Rolla advised that he specifically recalled searching the decedent's front pockets in an attempt to locate the keys to the decedent's 1989 Honda, advising that he was unsuccessful in locating the car keys. Investigator Rolla

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Continuation of FD-302 of John C. Rolla, On 4/27/94, Page 3

maintained that this search of the decedent's pockets took place after both he and Identification Technician Peter Simonello (USPP) took photographs of the decedent's body and the death scene area. In this regard, Investigator Rolla reviewed a series of polaroid photographs supplied by the USPP and advised that these polaroid photographs were a true and accurate representation of his observations of the decedent's body and the death scene at Fort Marcy Park on July 20, 1993.

In regards to the above noted polaroid photographs, which Rolla stated were a combination of the photographs he and Sergeant Edwards took at the scene, his attention was drawn to a transfer-like pattern of blood forming a straight lower margin at the right side of the decedent's neck and chin. Investigator Rolla advised that this blood pattern did give him some concern but believed that this blood pattern could possibly have occurred as a result of the decedent's head twisting or jerking at the time of death or for that matter could have resulted from activities performed by EMT personnel when they were checking for vital signs. Investigator Rolla reiterated that during the period he was at the death scene, he did not touch the body or observe anybody else touch the body prior to the completion of all death scene photography.

In addition to the above functions performed by Investigator Rolla, he advised that he physically checked the surrounding area of the death scene, which failed to reflect any footprints, tire tracks, or any trampled vegetation. He did advise however, that approximately 15 feet to the right of the 2nd cannon in an open area, he did observe an empty bottle of what he thought was wine cooler, with the bottle shaped similar to a Mystic shaped soft drink. To the best of his recollection, the label on the bottle was faded, was empty of any contents and appeared to have been at the location for a extensive period of time.

According to Investigator Rolla, at approximately 7:45 pm, Fairfax County Coroner, Dr. Donald Haut, arrived at the death scene and examined the decedent. Rolla recalls rolling the decedent's body over at which time he observed an extensive amount of blood on the back of the decedent's shirt and on the back side of his head.

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Immediately after Dr. Haut's examination, Rolla specifically remembers removing from the decedent a Seiko wristwatch, a wedding ring and a Motorola pager which was in the off position. Under the supervision of Dr. Haut, the decedent was placed in a body bag, and with the assistance of two ambulance drivers, was moved from the death scene to an ambulance at Fort Marcy parking lot and eventually transported to Fairfax Hospital. According to Investigator Rolla, no official time of death was noted by Dr. Haut.

Rolla continued by stating that after departing the death scene he returned to the Fort Marcy parking lot where the search of the 1989 Honda was being coordinated by Investigator Braun and photographs of the Honda were being taken by Officer Simonello. Rolla, however, did physically observe the Honda and its contents stating that he noted a man's jacket, similar to the decedent's trousers, was neatly folded over the back of the front passenger seat and that further examination of the jacket noted a wallet inside the left pocket which contained, to the best of his recollection, approximately \$300 in cash. While he did not take control of the material in the 1989 Honda, he does remember observing a White House identification badge with a photo of Vincent Foster located on the front passenger seat under the suit jacket. Additionally he recalls a piece of paper in the vehicle with the names of what apparently were three Washington, D.C. physicians. Investigator Rolla could furnish no information relative to the time the 1989 Honda arrived at Fort Marcy Park or any vehicle information which might assist in determining time of arrival at Fort Marcy Park.

Investigator Rolla departed the Fort Marcy Park at approximately 8:45 pm and in the company of Investigator Braun travelled to Fairfax County Hospital where they located in the right front trouser pocket of the decedent the keys for the 1989 Honda. Subsequent to the discovery of these keys, Investigator Rolla advised that he was telephonically contacted by Lieutenant P. Gavin, USPP, with the instructions to telephonically contact Mr. David Watkins, a personal friend of the Foster family who had requested permission to join Investigator Rolla in the death notification to Mrs. Lisa Foster. Immediately after receiving these instructions, Lieutenant Gavin recontacted Investigator Rolla with the instructions to call Mr. Bill Kennedy at The White House who was seeking permission from the USPP to physically identify Mr. Foster's body at Fairfax hospital. Rolla advised that in addition to contacting Mr. Watkins to verify that Mr.

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Watkins would join him in the death notification, Investigator Rolla advised security officials at Fairfax Hospital of USPP approval for Mr. Kennedy and, he believes, a Mr. Craig Livingston to identify the decedent's body at Fairfax Hospital.

Investigator Rolla advised that after the above noted notifications were made, both he and Investigator Braun picked up Mr. David Watkins at his residence in the Georgetown section of Washington, D.C. and with Mrs. Watkins following them in her personal vehicle, proceeded to the Foster residence at

Due to the number of people in the Foster residence at this time, Rolla advised that it was extremely difficult to pose any questions relative to Mr. Foster's death. However, he does recall eventually conversing with Mrs. Foster specifically asking her if she had any indication that anything was wrong with her

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husband, with Mrs. Foster responding in the negative.

Rolla advised that he did not have any further discussion with Mrs. Foster or for that matter any other family/business associates and estimates that after he and Braun were at the residence for approximately 45 minutes, President Bill Clinton in the company of a Secret Service agent, arrived at the Foster residence. President Clinton to the best of Rolla's memory hugged Mrs. Foster and expressed his sorrow over the death of her husband. Shortly after the arrival of President Clinton, both he and Braun departed the residence.

Rolla further advised that as a follow-up to this investigation he and Investigator Apt on July 22, 1993, telephonically contacted the three medical doctors whose names were listed on a piece of paper found in Mr. Foster's vehicle on July 20. According to Rolla, all three physicians were psychiatrists and all three denied having any prior contact with Vincent Foster.

In a further effort to determine the cause and the factors surrounding Mr. Foster's death, Investigator Rolla advised that on July 27, 1993, he and Captain Charles Hume, USPP, interviewed Mr. Foster's brother-in-law, Mr. Beryl Anthony. According to Rolla, Mr. Anthony advised that it was his opinion that Mr. Foster was extremely depressed and believed that his wife, Sheila Anthony had furnished to Vincent Foster a list of three counselors/psychiatrists or other doctors who practice psychological counseling.

in conversation with Detective Markland, USPP, that Markland apparently had been advised by an unknown White House secretary that Mrs. Foster and one of Vincent Foster's sons had been

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calling the secretary almost on a daily basis for approximately 2-3 weeks prior to his death, specifically to determine Vincent Foster's mood or disposition at work.

In addition to the above cited follow-up death investigation, Investigator Rolla advised that on July 28, 1993, he and Lieutenant Robert Kass, USPP met with Mr. James Hamilton, the Foster family attorney at Mr. Hamilton's law office in Washington, D.C. for the purpose of viewing personal documentation from Mr. Vincent Foster's office at The White House. In the presence of Mr. Hamilton and 2 or 3 additional attorneys, they reviewed these documents to include what was generally described as Vincent Foster's personal diary. Rolla remembers that Mr. Hamilton was extremely reluctant for USPP officers to review this diary but eventually conceded to their review. According to Rolla the alleged Vince Foster diary was basically an 8 inch by 5 inch hardcover notebook of approximately 100 lined pages, with the first several pages blank. To the best of his recollection, this notebook contained 10 or 15 handwritten pages with undated notations. He specifically remembers however, that the time frame for the notations on these pages was confined to a period encompassing Mr. Clinton's election to the pre-inauguration activities. Although he could not recall specifics of the notations, he does recall that there was nothing of a personal nature and cited such examples as his anticipation of going to Washington, D.C.; notation relative to his daughter going to a party and some notation regarding Mrs. Clinton and health care. Rolla advised that after the review, all materials remained in the possession of Mr. Hamilton. Rolla does recall, however, obtaining from Mr. Hamilton, for the purpose of known handwriting samples of Mr. Foster an empty envelope with Mr. Foster's writing and a letter from Vincent Foster to a bank.

OIC 000228

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE C

UNITED STATES AREA	UNITED STATES PARK POLICE	MO	DAY	YR	YEAR	CASE INCIDENT NUMBER
		0	7	2	0	9
		3	9	3	9	3
		0	3	0	5	0
		1	0	1	0	1

NATURE OF INCIDENT
Death Investigation

ITEM 1 RESULTS OF INVESTIGATION

Inv. John C. Rolla (07/28/93)

On 07/28/93 myself and Lt. Robert Kass responded to the law offices of Sidler and Berlin at 3000 K Street, NW, Washington, D.C. to meet with James Hamilton, the Foster family attorney, in reference to viewing the personal documentation from Vincent Foster's office at the White House. We arrived at Mr. Hamilton's office at approximately 1600 hours. Present in our meeting/viewing were James Hamilton, Michael L. Spafford, another attorney from Swidler and Berlin and John C. Sloan, the executor of Vincent Foster, Jr.'s estate. In the presence of the above listed person's, myself and Lt. Kass reviewed documents from three boxes and notes from a personal diary. Also, Lt. Kass viewed two video tape cassettes in the presence of Spafford. For the purpose of conducting a handwriting comparison with a note found in Mr. Foster's office by White House officials, we took a letter from Mr. Foster to his bank and an empty envelope with handwriting on it. We also to a copy of the Wall Street Journal dated June 24, 1993 which contained an article on Mr. Foster. At approximately 1830 hours we cleared the law offices.

WARRANTS	1010 TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> LATENTS <input type="checkbox"/> PHOTOS	<input type="checkbox"/> UNFOUNDED	PAGE 1 OF 1 PAGES

STATUS	REPORTING OFFICER	DATE	15 INVESTIGATOR	DATE	16 SUPERVISOR	DATE
<input type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED	John C. Rolla	07/28/93	John C. Rolla	07/28/93	Robert C. Kass	07/28/93

NATIONAL PARK SERVICE
SUPPLEMENTAL CRIMINAL INCIDENT RECORDJUVENILE CASE ☐

UNITED STATES PARK POLICE	DATE OF INCIDENT	MO	DAY	YR	YEAR	CASE INCIDENT NUMBER
Death Investigation	01	7	20	93	93	310502
RESULTS OF INVESTIGATION		CLASSIFICATION OF INCIDENT				
		Suicide				

Synopsis/Conclusion

On 7/20/93 at approximately 1800 hours this Department was notified by an anonymous caller that a dead body was discovered by a citizen at Fort Marcy, Virginia. The caller was subsequently identified by USPP Investigators and it was determined that a W/M, approximately 50 years of age, driving a white Chevrolet work van, had discovered and reported the body to the previously unidentified caller. This person has not been identified.

The decedent was identified as Vincent W. Foster, Deputy Legal Counsel to President Clinton. Notification to Mr. Foster's wife was made and an autopsy performed on 7/21/93. The autopsy and resulting toxicology revealed no signs of pre-existing health problems, alcohol or drug usage by the decedent. The cause of death was a "perforating gunshot wound to the mouth - head".

Interviews conducted at the White House revealed that Mr. Foster had left his office on 7/20/93 at approximately 1310 hours. Mr. Foster, who was always instantly accessible in the past, did not answer an electronic page initiated by Mr. Bernard Nussbaum, Chief Counsel to the President, at 1830 hours. The White House issued pager had been recovered by investigators at the death scene. The pager had been turned off.

Further investigation and calls from citizens support a finding that Mr. Foster drove into Fort Marcy, at approximately 1445-1500 hours, by himself in the vehicle found at the scene.

The investigation has revealed that Mr. Foster was, within the past two weeks, experiencing a great deal of difficulty handling the stress associated with his office. He had considered seeking psychiatric help, and was provided with several doctors names by a family member. He had confided in his wife his difficulties and had recently tried to set aside family time to relieve some stress. The Foster family doctor was contacted in his home State of Arkansas. The doctor prescribed an anti-depressant drug and one tablet was consumed by Mr. Foster on the evening before his death. (**the 50 mg tablet of Trazodone is an extremely low dosage; and is not be considered to be a contributing factor).

The revolver recovered at the scene of Mr. Foster's death (from his hand) had probably been passed down to Mr. Foster after

CLERK'S PHOTO		1010 TECH NOTIFIED		11 INVESTIGATOR NOTIFIED		PAGE / OF PAGES	
U.S. OPEN	C SUSPENDED	CLOSED BY	ARREST	DESCRIPTION	C UNFOUNDED		
INC OFFICER	WADGEND	DATE	15 INVESTIGATOR	INCALING	DATE	123	01/10

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE C

STATE/AREA	UNITED STATES PARK POLICE	MO	DAY	YR	YEAR	CASE INCIDENT NUMBER
NATURE OF INCIDENT	Death Investigation	0	7	1993	1993	015101
CLASSIFICATION OF INCIDENT						

ITEM 1 RESULTS OF INVESTIGATION

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REPORTING OFFICER	ADGE/NO	DATE	15 INVESTIGATOR	DATE	16 SUPERVISOR	DATE
John C. Rolla			John C. Rolla		John C. Rolla	
STATUS		OPEN	SUSPENDED	UNFOUNDED		
LATENTS		PHOTOS				
1010 TECH NOTIFIED		11 INVESTIGATOR NOTIFIED				
PAGE 1 OF 1 PAGES						

**DEPOSITION OF DONALD A. FLYNN
IN RE: S. RES. 120**

WEDNESDAY, JUNE 21, 1995

**U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.**

Deposition of DONALD A. FLYNN, called for examination pursuant to notice of deposition, at 2:05 p.m. in Room 640-A of the Hart Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

**EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
VINCENZO A. DELEO, Esq.
Majority Special Investigator
NEAL E. KRAVITZ, Esq.
Minority Principal Deputy Special Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.**

**TIMOTHY M. FOLEY, Esq.
BILL CLANCY, Esq.
U.S. Secret Service
Office of Chief Counsel
1800 G Street, NW
Room 842
Washington, DC 20223
On behalf of the Deponent.**

ALSO PRESENT: NGUYEN-HONG HOANG

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EXHIBITS

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Deposition Exhibit 1	62, 334

PROCEEDINGS

Whereupon,

DONALD A. FLYNN

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. JOHNSON:

Q Good afternoon, Mr. Flynn. We've had an opportunity to meet briefly off the record, but let me, just as a formality, if nothing more, reintroduce myself on the record. My name is Everett Johnson and I'm one of the attorneys working for the Majority staff of the Special Senate Committee investigating Whitewater and related matters. With me is Vincenzo Deleo, who's a paralegal on my staff. You've met Mr. Kravitz, who is an attorney with Minority staff, and Nguyen-Hong Hoang with the Minority staff.

What brings us here today is Senate Resolution Number 120, which authorizes an investigation into the matters that I've described briefly and directs the staff to conduct the preliminary phases of that investigation. Let me ask

4

you just as a procedural question whether or not you've had your deposition taken in the past? By that, I don't mean in connection with this matter, but just generally.

A What do you mean by have my deposition taken?

Q Are you familiar with the procedures of the deposition?

A Yes, I am, the process.

Q Let me remind you of a couple of important points. I won't dwell on it. Ms. Baker is our shorthand reporter and she will make a verbatim transcription of the questions that I ask and the answers that you give. A couple of things are important about that. One is you allow me to finish the question before you answer, even though you may well know what the question is before I finish speaking, and the other is that you respond verbally to the question. She doesn't have a way of recording gestures or other sorts of body language.

A couple of other obvious points. I assure you there's nothing in any of the questions that I

1 ask that's designed to be deceitful or tricky or hide
2 the ball in any way, but if my question is unclear to
3 you, feel completely free to tell me that, and we'll
4 work around and get it to something that's
5 understandable. And otherwise, I'll assume that you
6 do understand the question when I ask it.

7 Similarly, if you have any reason to
8 consult with your counsel at any time during the
9 deposition, feel free to do that. And finally, if
10 you need a break at any time during the deposition --
11 typically it's my experience I'm the first one to get
12 tired, but if you want to take a break at any time,
13 feel free to say that. Does this seem clear enough
14 so far?

15 A Yes, sir.

16 Q Let me ask you as a preparatory matter
17 whether or not you have met with anyone to discuss
18 the testimony that you're going to give here today?

19 A Yes, I have.

20 Q And with whom did you meet?

21 A The two legal counsel attorneys from our
22 agency.

1 Q Was anyone else present during that
2 meeting?

3 A No, sir.

4 Q Other than that meeting, have you met with
5 anyone or discussed with anyone else the deposition
6 testimony that you're about to give here today?

7 A No.

8 Q Could you take 30 seconds and describe your
9 working history with the Secret Service.

10 A Yes. I began my career in 1981 in the
11 Washington field office. 1985, I was transferred to
12 the Presidential protective division. 1989, I was
13 transferred to the Los Angeles field office. 1991, I
14 was transferred back to the office of protective
15 operations. And most recently -- well, actually in
16 1992 I was transferred back to the Presidential
17 protective division, then back to the office of
18 protective operations and then, most recently, in
19 April, back to the Presidential protective division.

20 Q Now, I will show some, if not all, of my
21 ignorance. The Presidential protective division is
22 the group of agents who are physically assigned to

1 guard the President?

2 A That's right.

3 Q They travel around with him wherever he
4 goes?

5 A That's correct.

6 Q And in between your two assignments to the
7 Presidential protective division, you said you were
8 back to the office of protective operations. What is
9 that?

10 A Basically, I was assigned to this
11 headquarters assignment, although my specific
12 function was in the capacity of the White House
13 security coordinator so I was assigned physically
14 over at the White House. I did not travel. I just
15 took care of matters at the White House complex
16 itself.

17 Q And I know you said you were in that
18 position in 1991. How long did you remain in that
19 position?

20 A Actually, 3-1/2 years all total, but
21 because -- this may seem complicated, it's really
22 not -- there was some restructuring of the Secret

1 Service with regard to that particular office. I
2 remained in that office in that assignment for 3-1/2
3 years. And the office itself went back and forth
4 between protective operations, PPD and back to what
5 became known as the White House division.

6 Q Is it fair to say your job didn't really
7 change?

8 A Didn't change a bit, sir.

9 Q The period of time that we're principally
10 concerned with are the few days surrounding the date
11 of Mr. Foster's death on July 20, 1993. Where were
12 you assigned at that time?

13 A I was assigned to -- I was the White House
14 security coordinator. I believe at that time it was
15 under the Presidential protective division at that
16 time.

17 Q And generally speaking, as the White House
18 security coordinator, what are your
19 responsibilities? And in your answer, I'm not asking
20 you to reveal any confidential information.

21 A Basically, I oversaw special projects,
22 construction projects at the complex. I was a

1 liaison between the White House staff and other
2 Secret Service divisions and other outside agencies
3 who had a requirement to conduct business at the
4 White House complex.

5 Q Is it fair to say that anybody who needed
6 to enter the White House or do business in the
7 White House would contact you or your staff to
8 arrange that?

9 A If they didn't already have a means or
10 vehicle or knowledge as to how to do that.

11 Q To whom -- in roughly July of 1993,
12 Mr. Flynn, to whom did you report?

13 A It would have been to Richard S. Miller.
14 He was the special agent in charge of Presidential
15 protective division.

16 Q And I have seen next to your name a series
17 of initials that seem to stand for something like
18 assistant special agent in charge?

19 A Yes.

20 Q Can you give me the actual title?

21 A That's what it is, assistant special agent
22 in charge.

10

1 Q I take it there are a number of Secret
2 Service agents who also would then report to you in
3 that capacity?

4 A There could be. Depending upon how many
5 personnel are assigned to your particular office or
6 your division.

7 Q Did you have any particular or unique
8 responsibility for the west wing of the White House
9 in July of 1993?

10 A Nothing any more than for the rest of the
11 complex. I'm not sure what you're really asking for
12 here.

13 Q I think you answered. I'm really trying to
14 see whether the responsibilities in the complex were
15 divided mansion, east wing, west wing?

16 A No, OEOB, west wing, mansion --

17 Q All of that fell within your
18 responsibility?

19 A Correct.

20 Q Were you personally generally familiar with
21 the layout of the west wing of the White House?

22 A Yes.

1 Q I take it you were also familiar, generally
2 speaking, with the layout of the White House
3 counsel's suite where Mr. Foster's office was?

4 A Correct.

5 Q Were you also familiar at that time with
6 the operation of the access alarms into that suite
7 and other suites in the office?

8 A As far as the specifics of the operation of
9 alarms and so on and so forth, I'm not an expert in
10 that area, and I would have to defer that to someone
11 else within the service.

12 Q Even though you may not be an electronics
13 expert, were you generally aware of the presence of
14 the alarms and how they operated?

15 A In very general terms.

16 Q Let me try and provide a list of names of
17 people who worked in or around the White House in the
18 west wing in approximately July of 1993, and my
19 question for all of these is really the same, and
20 that is would you recognize this person if you saw
21 them. I'll ask this, but I know the answer. It goes
22 without saying you'd recognize the President or the

12

1 First Lady?

2 A Correct, sir.

3 Q What about Mr. Nussbaum, would you have
4 recognized Mr. Nussbaum on site?

5 A Yes.

6 Q Would you have recognized Mr. Foster?

7 A Probably not because I'd only ever seen him
8 one time before. I mean, I had no contact with
9 Mr. Foster, so if I passed him in the hall, I
10 probably wouldn't have --

11 Q At that time, would you have recognized on
12 site Mr. Nussbaum's and Mr. Foster's secretaries,
13 that would be Ms. Pond and Ms. Gorham?

14 A No.

15 Q Would you have recognized a fellow by the
16 name of Tom Castleton?

17 A No, not prior to my having -- let me
18 specifically state not prior to having been
19 introduced to them as a result of this incident, I
20 would not have known them because I had no contact
21 with them.

22 Q You make a good point. I should have been

- 1 clearer about this. At some point in time around the
2 death of Mr. Foster you were introduced to
3 Mr. Castleton, I take it?
4 A Correct.
5 Q And after the point of your introduction,
6 you would have recognized him, I take it?
7 A That's correct.
8 Q The same would be true of Ms. Gorham and
9 Ms. Pond?
10 A Correct, sir.
11 Q What about Patsy Thomasson, would you
12 recognize her?
13 A Yes, sir.
14 Q And Maggie Williams?
15 A Yes.
16 Q Mr. McLarty, I take it, you would have
17 recognized?
18 A Yes.
19 Q What about Mr. Neel?
20 A Yes.
21 Q Mr. Burton?
22 A Yes.
-

- 1 Q There's a younger attorney in the counsel's
2 office by the name of Cliff Sloan.
3 A I didn't know him before this.
4 Q Did you meet Mr. Sloan in connection with
5 the events surrounding Mr. Foster's death?
6 A Yes, sir.
7 Q And obviously after you met him, you would
8 have recognized him?
9 A Correct.
10 Q Did you also meet a fellow by the name of
11 Stephen Neuwirth in connection with this
12 investigation?
13 A Yes, sir.
14 Q And just to state the obvious, after you
15 met him, you would have recognized him?
16 A Correct, sir.
17 Q And the reason I ask these questions,
18 Mr. Flynn, I don't mean to be mystical about it at
19 all. I'll ask you in the course of events whether
20 you saw any of these people around and if so, when.
21 And I wanted to establish a basis for whether or not
22 you would recognize them if you did see them.

1 A Yes.

2 Q What are your normal working hours at the
3 White House?

4 A Well, my schedule --

5 Q You can object to the use of the word
6 "normal" if you want.

7 A My scheduled hours were from 9:00 a.m. to
8 5:30 p.m. My normal working hours are -- I should
9 restate that. Normally, with few exceptions, I was
10 in the office by 7:00, 7:30 and a lot of times I
11 tried to get out of there by 6:30 if I could, but if
12 there was a problem, sometimes I was there as late as
13 9:00, 10:00, 11:00.

14 Q And is your office -- where is your office
15 physically located in the White House?

16 A It was in the Old Executive Office
17 Building.

18 Q At that time it was?

19 A Yes, sir.

20 Q Let me sort of jump forward now to July 20,
21 1993, the day Mr. Foster died. Were you working your
22 normal hours on that day?

16

1 A Yes, sir.

2 Q When did you learn, Mr. Flynn, of
3 Mr. Foster's death?

4 A I would say it was approximately 9:30 p.m.
5 that evening.

6 Q Can you tell us how you learned --

7 A Yes, my contemporary, Paul Imbordino,
8 called me at my home and passed the information to
9 me.

10 Q I'm going to ask you a little more about
11 that, but let me, for the record, get clear who
12 Mr. Imbordino was.

13 A He is another special assistant agent in
14 charge in my office. He's like my officemate. He's
15 my right-hand man, if you will. We worked hand in
16 hand. He dealt with a lot of uniform division issues
17 and actually our duties kind of dovetailed there.

18 Q Does Mr. Imbordino report to you?

19 A No. He's on the same level as I am.

20 Q On that -- strike that, Julie. I just got
21 muddle-mouthed.

22 When Mr. Imbordino called you on the

1 evening of the 20th, was he physically at the White
2 House?

3 A No, I believe he called me from home. This
4 is a couple of years ago, so --

5 Q What do you recall Mr. Imbordino said?

6 A He informed me Mr. Foster from the
7 White House counsel's office had committed suicide
8 at -- I can't even think of the name of the park -- a
9 park out on the GW Parkway on the Virginia side and
10 he had been informed by the uniformed division of the
11 death.

12 Q Do you have any recollection about what
13 time of day this was?

14 MR. KRAVITZ: Do you mean that he got the
15 call or the death was reported?

16 MR. JOHNSON: Good point.

17 BY MR. JOHNSON:

18 Q That you got the call?

19 A As I stated earlier, I believe it was
20 approximately 9:30 p.m.

21 Q And did Mr. Imbordino state to you in that
22 telephone call how he had learned of the death?

1 A Yes. As I recall, he had been informed by
2 the uniformed division, and I don't recall the name
3 of the person in the uniformed division who may have
4 notified him.

5 Q Did you infer, if not know expressly, that
6 he also had been called at home, that Mr. Imbordino
7 had been called at home?

8 A Yes.

9 Q What else did you discuss with
10 Mr. Imbordino in this telephone call that evening?

11 A Basically I told him I had an obligation to
12 call our boss, Rich Miller, and inform him of the
13 information.

14 Q And did you, in fact, do that?

15 A Yes, I did.

16 Q What time do you suppose you called
17 Mr. Miller?

18 A As soon as I got off the phone with
19 Mr. Imbordino, I made the call to Mr. Miller's home.

20 Q And so, therefore, sometime after 9:30
21 p.m., within a few minutes of your call with
22 Mr. Imbordino. Is that a fair guess?

1 A Correct.

2 Q Did you reach Mr. Miller?

3 A Yes, I did.

4 Q Just to the best of your recollection, what
5 did you tell Mr. Miller?

6 A I don't remember the specific conversation,
7 but something to the effect that I had just been
8 informed that Mr. Foster's body had been found. Once
9 again, the name of the park slips my mind, a park out
10 on the GW Parkway on the Virginia side. It was an
11 apparent suicide, and I asked him do you think it's
12 appropriate I contact David Watkins, who was in the
13 office of administration, and offer our condolences.
14 And he said yes, he thought that that would be an
15 appropriate gesture, and then he told me that he was
16 going to contact the director of the Secret Service.

17 Q Who was whom at that time?

18 A John Magaw.

19 Q Why, Mr. Flynn, did you feel as though you
20 should call Mr. Miller on the evening of the 20th?

21 A He's my boss, and I don't want to keep
22 anything from my boss. He certainly had a need and a

20

1 right to know because he was at that time the
2 gentleman overall in charge of our protective mission
3 at the White House, and something that I would
4 consider to be of that significance, I wouldn't want
5 him to hear about the next morning.

6 Q Or from anyone other than you?

7 A Well, he could hear about it from someone
8 other than me. I just wanted to make sure he was
9 aware of it.

10 Q When you spoke with Mr. Miller, I take it
11 it was your impression that he did not already know?

12 A That's correct.

13 Q In your conversation that evening with
14 Mr. Imbordino, did you or he discuss what additional
15 security measures or investigative steps ought to be
16 taken with regard to Mr. Foster's office?

17 A No. The thought never entered our minds.

18 Q Did you discuss whether or not some other
19 investigative agency would be pursuing the
20 investigation into Mr. Foster's death?

21 A Whoever the responsible agency conducting
22 the investigation, but they made no request of myself

1 or Mr. Imbordino.

2 Q The same questions in connection with your
3 conversations with Mr. Miller, did you or he discuss
4 that evening, on the evening of the 20th, whether or
5 not certain steps ought to be taken, for example, to
6 secure Mr. Foster's office or anything like that?

7 A No.

8 Q Did you, in fact, then call Mr. Watkins,
9 who you said you were going to call?

10 A Yes.

11 Q That would be David Watkins?

12 A Yes. What happened was I contacted the
13 White House operator and asked her to put in a page
14 for him to call me.

15 Q And then -- as lawyers like to say, then
16 what happened?

17 A I received a call back approximately 10:00,
18 10:15 from him. I gave her my home number and asked
19 him to have him call me and I simply offered our
20 condolences and inquired if there was anything that
21 we might do. He sounded a bit shaken up on the
22 phone. He said there was nothing we could do at that

22

1 time, but he appreciated the call and the offering of
2 condolences, and that was the end of that.

3 Q Your best recollection is that you got the
4 return call at about 10:15 that evening?

5 A Between 10:00 and 10:15 in the evening.
6 Like I said, it's a couple years ago now.

7 Q Did Mr. Watkins indicate where he was
8 calling from?

9 A No.

10 Q Do you have any understanding today where
11 he was calling from?

12 A No.

13 Q I think it's obvious from your answer that
14 Mr. Watkins was aware of Mr. Foster's death at the
15 time of your telephone call?

16 A Yes.

17 Q You clearly weren't the first person to
18 tell him that?

19 A No, not to my knowledge.

20 Q How long was your telephone call with
21 Mr. Watkins?

22 A 60 seconds or less.

1 Q And in the course of that telephone call,
2 did you or Mr. Watkins discuss whether or not there
3 were any security procedures that might be put in
4 place?

5 A None.

6 Q Was there any discussion at all about
7 Mr. Foster's office or his personal things or
8 anything of that kind?

9 A None.

10 Q Fair to say this call was an expression of
11 sympathy and condolences?

12 A Simply that, sir.

13 Q Did you contact anyone else that evening?

14 A No.

15 Q After you spoke with Mr. Watkins, you
16 didn't call Mr. Miller back or anything of that kind?

17 A I don't recall that I did.

18 Q Maybe the easiest thing for me to ask you,
19 Mr. Flynn, is what is the next thing you recall
20 happening in connection with Mr. Foster's death that
21 involved you?

22 A Well, the next morning, as I recall, I

1 think I got in the office between 7:30 and 8:00 and
2 at about -- somewhere between approximately 9:45 and
3 10:00 a.m., Mr. Imbordino informed me that two Park
4 Police detectives were coming over to the White House
5 complex in an effort to go to Mr. Foster's office to
6 look for a suicide note. I kind of left it at that.
7 He said he was coordinating with Dennis Martin for
8 them getting into the complex.

9 I went downstairs to room 10 and was
10 informed that Director Magaw's office had received a
11 telephone call from someone in Mr. Nussbaum's office
12 requesting that the Secret Service post an officer or
13 an agent outside Mr. Foster's immediate office.

14 Q Who informed you of that?

15 A Well, Mr. David Carpenter, who was the
16 deputy special agent in charge. Mr. Miller's number
17 two man.

18 Q And I'm not familiar with what room 10 is.

19 A I'm sorry. That's the main office for the
20 Presidential protective division in the White House
21 complex. I should say that's the business office.

22 Q Your best recollection is that

1 Mr. Carpenter told you that someone from
2 Mr. Nussbaum's office had called Mr. Magaw? Did I
3 say that correctly?

4 A Had called Mr. Magaw's office and
5 Mr. Magaw's office had relayed the message over to
6 the PPD business office. One of the secretaries
7 informed Mr. Carpenter, and as I walked in the door,
8 Mr. Carpenter informed me and I also found a message
9 in my little box that someone had just called.

10 Q Do you know who the someone was who had
11 just called?

12 A As I found out later, it was a gal by the
13 name of Linda Tripp or Linda Trapp.

14 Q Do you know who she is or was?

15 A I know who she is now.

16 Q Who is she?

17 A She was working in Mr. Nussbaum's office at
18 the time.

19 Q I want to come back to that request, but I
20 just want to make sure I haven't left a period of
21 time in which I'm not clear about what happened.

22 When you arrived in the office at 7:30 on the morning

1 of the 21st, to the best of your knowledge, had any
2 steps been taken to secure Mr. Foster's office?

3 A Nothing to my knowledge.

4 Q And under -- assuming for the purposes of
5 this question that that's correct, that no special
6 steps had been taken, under ordinary security
7 procedures, anyone with alarm access could have
8 opened that office, I take it, that morning?

9 A To the best of my knowledge.

10 Q And after the alarm has been turned off in
11 an office, I take it anyone can go in and out of an
12 office without interruption?

13 A Once the alarm has been placed in the
14 inactive mode, correct.

15 Q Has anything that you've learned, really up
16 to and including today, indicate that there was any
17 form of restriction on access to Mr. Foster's office
18 prior to your posting a guard at whatever time you
19 did on the morning of the 21st?

20 A I'm not sure if I understand exactly.

21 Q To the best of your knowledge, I take it
22 there were no special precautions taken before you

1 took them on the morning of the 21st?

2 A Not to my knowledge.

3 Q And so, just to state an obvious conclusion
4 from that, therefore, whoever could have accessed the
5 office under ordinary security procedures would have
6 been free to do so before that time; is that correct?

7 A That's correct.

8 Q Do you know today, Mr. Flynn, whether
9 anyone went into Mr. Foster's office on the evening
10 of the 20th?

11 A I know from conversation the day after his
12 death that it was stated, I believe, by Mr. Nussbaum
13 that Maggie Williams and Patsy Thomasson --

14 Q I'll come back to various conversations
15 that I think you may have had on that day, but let's
16 focus on this one. What specific conversation are
17 you referring to?

18 A I believe it was in the afternoon, there
19 was a meeting at about 4:30 or 5:00 in Mr. Nussbaum's
20 office that involved representatives from the Park
21 Police, the FBI, the Justice Department. There was
22 private counsel there that was representing the

1 Foster family. Obviously Mr. Nussbaum, and then
2 myself. And the conversation dealt with when they
3 were going to go in and actually -- for lack of a
4 better term -- do a search of Mr. Foster's office.

5 Q Let me just go a little bit slowly. As you
6 can imagine, this is something I'm interested in. To
7 the best of your recollection, that meeting was about
8 4:30 to 5:00 p.m. on the afternoon of July 21st; is
9 that right?

10 A That would have been the day after, yes.

11 Q That would be a Wednesday after?

12 A Right.

13 Q And you were physically present?

14 A Yes.

15 Q Were you physically present throughout the
16 entire meeting?

17 A Yes.

18 Q And the meeting was actually in
19 Mr. Nussbaum's office?

20 A Right.

21 Q Let me see if I can just put some names on
22 the people who were there. Maybe you could put some

1 names on the people who were there. Mr. Nussbaum was
2 obviously present?

3 A Right.

4 Q Was anyone else from Mr. Nussbaum's staff
5 present?

6 A I don't recall.

7 Q You mentioned that a couple of Park Police
8 officers were present?

9 A Right.

10 Q Do you recall their names?

11 A I think it was Pete Markland and I believe
12 Captain Hume.

13 Q Did you say that FBI personnel were
14 present?

15 A Yes.

16 Q Do you remember any of their names?

17 A I want to say one of them was Scott Salter,
18 maybe. I know he was involved in some of this stuff.

19 Q Do you remember any others?

20 A I don't recall right off the top of my
21 head.

22 Q Were there any Department of Justice

1 personnel present other than the FBI?

2 A Yes. There were two fellows. I want to
3 say one of them had the last name Margolis and I
4 don't remember the other fellow's name.

5 Q I have a document with a list of names.
6 I'll come back in a little while and see if it

7 refreshes your memory, but I want to see what you
8 remember off the top of your head. Do you remember
9 anybody else being present?

10 A Just as I said, there was an attorney there
11 who represented the Foster family.

12 Q Was that Mr. Hamilton?

13 A I don't recall off the top of my head
14 whether it was Mr. Hamilton or not.

15 Q Would you recognize Mr. Hamilton?

16 A I can't say for sure that I would today.
17 That's two years ago, the first time I had ever seen
18 the man, and I can't say that I would or not.

19 Q How long -- so a lot of people are in
20 Mr. Nussbaum's office?

21 A Right.

22 Q How long, in your estimation, did that

1 meeting last?

2 A I would say approximately 30 minutes. I
3 mean, like I said, I'm going from memory now, and
4 this goes back a couple years. It was not a long,
5 drawn out meeting.

6 Q I'll struggle with this question and maybe
7 you'll help me with it. Who did the talking in the
8 meeting?

9 A There was a lot of talking being done by
10 everybody, except myself.

11 Q What was your purpose in being present at
12 the meeting?

13 A Basically to ensure that if anybody needed
14 to be escorted in or out and also to determine when
15 exactly it was that they were going to actually go in
16 the room and conduct a search, so that I could tell
17 my people that hey, this is when it's going to
18 happen, because we had the room posted at that time.

19 Q Did you take any notes at that meeting?

20 A No.

21 Q Just as a real memory test, in your mind's
22 eye, do you think anybody else took notes in that

32

1 meeting?

2 A I don't recall.

3 Q The meeting wasn't tape-recorded or
4 anything of that kind?

5 A Not to my knowledge.

6 Q I think what started us down this path was
7 it was stated in this meeting that Maggie Williams
8 and Patsy Thomasson had been in Mr. Foster's office
9 on the evening of July 20th; is that correct?

10 A Yes, and now I'm not trying to recant here,
11 but as I think about it, I'm not sure if it was
12 during that meeting or some other conversation that
13 may have taken place during the day, but at some
14 point in time it was brought out that they had been
15 in the office.

16 Q I realize it's a little fuzzy in your mind
17 whether it was in that meeting or some other time
18 during the day, but do you have a recollection of who
19 said that Ms. Williams and Ms. Thomasson had been in
20 the office?

21 A Not off the top of my head, I really don't.

22 Q If you had to guess, understanding that

1 it's a guess, who would you guess said that?

2 A I don't think it's fair to guess. I'm
3 trying to recollect.

4 Q Do you think Mr. Nussbaum said it?

5 A I don't know.

6 Q You just don't have any recollection at
7 all?

8 A No, I don't have any.

9 Q Notwithstanding you don't remember who said
10 it, what do you remember that they said?

11 A There was some conversation about who had
12 been in his office prior to us putting someone on the
13 door and their names came up. Mr. Nussbaum's name
14 came up and Betsy Pond's name came up.

15 Q Those being the people who had been in
16 Mr. Foster's office prior to the posting on the door?

17 A Right.

18 Q Do you recall there being anything said
19 about why any or all of those individuals had been in
20 Mr. Foster's office?

21 A I don't recall the particulars of it.

22 Q Do you recall there being anything said

1 about how long any or all of those individuals had
2 been in Mr. Foster's office?

3 A No, I don't.

4 Q When I asked you before, and I just want to
5 be clear on the record, my question was about the
6 evening of July 20th. Is it your understanding that
7 all four of those people that you just mentioned were
8 in there on the evening of July 20th?

9 A I don't know if it was the evening of July
10 20th or the morning of July 21st. All I know is
11 prior to us placing someone outside the door.

12 Q At the risk of being somewhat redundant, I
13 apologize, I just need to go very carefully through
14 this. Your testimony today is you believe you heard
15 at some point that Maggie Williams had been in the
16 office prior to a guard being posted; is that right?

17 A As I recall -- yeah. But once again, this
18 is like two years ago. I recall her name at some
19 point and as I recall now also, her name may have
20 been in connection with someone -- there was some
21 conversation about someone tried to page Mr. Foster
22 the evening of -- and it may have been Maggie

1 Williams that was the one that tried to page him.
2 Perhaps that's where I get her name -- but her name
3 was mentioned in some context along with these other
4 three names. But like I say, I can't pinpoint
5 exactly because we're going back two years ago.

6 Q Do you remember when it was mentioned that
7 some people had been in Mr. Foster's office before
8 the door was secured, whether or not anyone expressed
9 concern about that fact?

10 A I don't recall anything about that.

11 Q Were you yourself surprised to learn that
12 someone had been in Mr. Foster's office?

13 A No.

14 Q And I take it, just to be very clear, you
15 don't have any recollection today of anyone stating
16 why Ms. Williams was in Mr. Foster's office, if she
17 was?

18 A No.

19 Q And let me ask you the same question with
20 respect to Ms. Thomasson. You do have a recollection
21 of someone, although you don't recall who, saying
22 that Ms. Thomasson had been in Mr. Foster's office

1 before a guard was posted; is that correct?

2 A Correct.

3 Q Do you have any greater recollection, for
4 example, did anyone state why or for how long she had
5 been in that office?

6 A I don't recall any of that.

7 Q Did anyone express any concern or surprise
8 that Ms. Thomasson had been in Mr. Foster's office?

9 A Not to my knowledge.

10 Q Were you yourself surprised to hear that?

11 A No.

12 Q I take it you also recall generally hearing
13 that Ms. Pond had been in Mr. Foster's office?

14 A Right.

15 Q Who is Ms. Pond?

16 A She's one of the secretaries that works in
17 the outer office there in the White House legal
18 counsel.

19 Q She was not Mr. Foster's secretary, or do
20 you know?

21 A I don't know.

22 Q Do you recall hearing any conversations

1 related to why Ms. Pond was in Mr. Foster's office?

2 A No.

3 Q Similarly, you haven't heard how long she
4 was in Mr. Foster's office?

5 A No.

6 Q And I think you also said it was stated in
7 this meeting or some other time on the 21st that
8 Mr. Nussbaum had been in Mr. Foster's office?

9 A Correct.

10 Q Do you have any -- did you understand that
11 to refer to on the evening of the 20th, or are you
12 unclear?

13 A Unclear. I mean, in general terms. I
14 don't recall if it was the evening of the 20th or the
15 morning of the 21st.

16 Q Just sometime before the guard was posted?

17 A Correct.

18 Q And presumably after Mr. Foster died?

19 A Correct.

20 Q Was there any conversation from anyone that
21 you recall about why Mr. Nussbaum may have entered
22 Mr. Foster's office?

1 A No.

2 Q And similarly, I take it, there was no
3 conversation about how long he may have been in that
4 office?

5 A Correct.

6 Q Do you recall there being any conversation
7 in this meeting, or at all, about whether or not any
8 documents had been removed from Mr. Foster's office?

9 A I'm not aware of anything.

10 Q Did anyone state that no documents had been
11 removed?

12 A I don't recall that at all.

13 Q Did anyone ask the question, to the best of
14 your recollection?

15 A I don't recall that either, sir.

16 Q Even though I realize you don't today
17 recall who spoke, is it your recollection that you
18 learned that Maggie Williams, Patsy Thomasson,
19 Ms. Pond and Mr. Nussbaum had been in Mr. Foster's
20 office prior to the office being sealed from a single
21 person? Do you think it was one person who said all
22 of these things?

1 A I don't recall. All I recall is that in
2 some conversation or conversations those names came
3 up as having been in the office prior to us posting.

4 Q And I'm certain I've asked you this, but
5 just to be doubly cautious, you don't recall there
6 being any conversation at all about whether or not
7 documents had been removed from the office?

8 A No, I don't.

9 Q Was there any conversation in which you
10 were present on the 21st or any other time in which
11 there was discussion about entering into Mr. Foster's
12 office after it had been posted?

13 A Yes.

14 Q What do you recall about those
15 conversations?

16 A Well, I think there's a log here somewhere
17 or there's a log available that indicates that
18 sometime on the morning of the 21st after the office
19 was posted by our people that Mr. Nussbaum went in
20 the office, retrieved a small black and white photo
21 and brought it out of the office. And then later
22 that day, Cliff Sloan placed a bag of trash back in

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1 the office.

2 Q Anything else that you recall?

3 A Not that I recall.

4 Q From my perspective, that was an important
5 diversion, but somewhat of a diversion from the
6 chronology we were going through, which I think we
7 left off with your receiving a request sometime
8 approximately 10:00 on the morning of the 21st to
9 post the guard.

10 A Right.

11 Q And I think you told me -- correct me if
12 I'm wrong -- that Mr. Carpenter passed that request
13 on to you?

14 A Correct.

15 Q And that you also had a telephone message
16 from Linda Tripp?

17 A Well, it wasn't from Linda Tripp. It was
18 from Director Magaw's office that someone from
19 White House legal counsel had called requesting we do
20 this. And then I subsequently determined that
21 Ms. Trip was the person that had called the
22 director's office in making the request.

1 Q After getting both of those messages on the
2 morning of the 10th, what did you do?

3 A I contacted --

4 Q Strike that. I'm sorry.

5 On the morning of the 21st.

6 A I contacted Dennis Martin from the uniform
7 division and made him aware of the request. And I
8 made my way over to that office and I myself remained
9 outside the office until a uniform division person
10 came and relieved me.

11 Q You went outside Mr. Foster's office?

12 A Right.

13 Q Let me just be clear about this.

14 Mr. Martin was going to arrange for others to come
15 and stand that post?

16 A Right.

17 Q Where did you physically stand when you
18 were there?

19 A I stood just outside the office door. If
20 you walk in the office, there's a -- as you come in,
21 there's a large reception area to -- I guess the best
22 way to describe it is to my immediate right is a door

1 that goes into Mr. Nussbaum's office and kind of back
2 over what would be my right shoulder or at, let's
3 say, a 6:00 position was a door that went into what
4 was Mr. Foster's office.

5 Q Can you guess roughly what time you arrived
6 there that morning.

7 A I don't know. I'd say maybe 10:10,
8 something like that.

9 Q A few minutes after 10:00?

10 A Yeah, sometime after 10:00.

11 Q And was the door to Mr. Foster's office
12 opened or closed?

13 A To the best of my recollection, it was
14 closed at that time.

15 Q Did you go in the office at that time?

16 A I opened it and looked in. I did not
17 physically go inside the office.

18 Q When you opened it and looked in, what were
19 you looking for?

20 A Just to make sure there's nobody standing
21 inside there. If you asked me to secure an office --

22 Q Just to see whether there was anyone in

1 there?

2 A Yeah.

3 Q Could you tell, when you opened it and
4 looked in, whether anyone had been in there?

5 A I couldn't tell you. I mean, I would have
6 no way of knowing.

7 Q And I take it, Mr. Flynn, from the
8 chronology, you were the first person to guard the
9 office, therefore, that morning. What was your
10 understanding of whether or not people could enter
11 that office?

12 A There really was no understanding as to
13 whether or not people could enter the office or not.
14 I mean, I'll offer this on my own and that was that I
15 instructed the officer that came up there to relieve
16 me that if anyone did enter the office, to jot down
17 the time and the name of who it was and what the
18 purpose was for them going in the office, and then to
19 relay the information to me.

20 Q I don't mean to oversimplify this, but I
21 take it, therefore, you didn't instruct the officers
22 to prohibit entry into the office?

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1 A No, I'm not sure what right I would have to
2 do that.

3 Q No one instructed you in that way?

4 A No.

5 Q And given that entry was not to be
6 prohibited, what, generally speaking, did you
7 understand the purpose of guarding the office to be?

8 A Simply to maintain the integrity, if you
9 will, of the office itself. I mean, I had not been
10 given any specific orders or directions to say no one
11 is to go into that office. And I certainly didn't
12 consider that office to be a crime scene.

13 Q To maintain the integrity of the office.
14 Did you have any understanding in your own mind or
15 through specific instructions to you whether or not
16 people would be permitted to remove things from or
17 place things in Mr. Foster's office?

18 A No. That's why I simply instructed the
19 officer that if someone goes in the office, jot down
20 the name, the time and what the activity was.

21 Q So therefore, the removal of the photograph
22 by Mr. Nussbaum wouldn't be inconsistent with your

1 understanding --
2 A I'm not sure there was any understanding.
3 Q That's really my question.
4 A Yeah.
5 Q The directions to the officer were simply
6 to make a record of what happens?
7 A Correct.
8 Q And then later in the day, I think you
9 testified that Mr. Sloan brought a trash bag back
10 into the office; is that correct?
11 A Correct.
12 Q Would there have been -- strike that.
13 To the best of your knowledge, did anyone
14 review the contents of that trash bag?
15 A Not to my knowledge.
16 MR. JOHNSON: Mr. Flynn, give me just a
17 second. I'm actually skipping over things we've
18 already covered.
19 (Pause.)
20 BY MR. JOHNSON:
21 Q Did there come a time on July 21st,
22 Mr. Flynn, when you recall that Park Police

1 investigators were coming to the White House on that
2 day?
3 A Yes.
4 Q And you may have even mentioned that
5 earlier, I think you said.
6 A Yes, sir, I did.
7 Q Let me get away from the guarding of the
8 office for a second and pursue what happened with
9 those investigators on that day. Who told you that
10 they were coming over?
11 A Mr. Imbordino, to the best of my
12 recollection.
13 Q Did he state what he understood their
14 purpose in coming over to be?
15 A Yes.
16 Q What was that?
17 A That they were coming over with the intent
18 of going into Mr. Foster's office to look for a
19 suicide note.
20 Q How did, if you know, Mr. Imbordino know
21 these officers were coming over?
22 A I don't recall.

1 Q What, if anything, did you do in response
2 to Mr. Imbordino telling you that two Park Police
3 officers were coming over to search for a note?

4 A I really didn't do anything because he and
5 Dennis Martin were going to take care of getting them
6 in the gate and escorting them wherever they needed
7 to go.

8 Q At any time on the day of the 21st, did you
9 see the Park Police officers, other than the late
10 afternoon meeting that you've described?

11 A Yeah, I saw them earlier in the day out on
12 West Executive Avenue kind of outside the basement
13 entrance there on the sidewalk. And then I think I
14 may have seen them over in Dennis Martin's office at
15 another time during the day, which is in the Old
16 Executive Office Building. I hate to use this
17 phrase, but I think he was kind of baby-sitting them,
18 if you will.

19 Q Mr. Martin was kind of baby-sitting them?

20 A Yeah, and I hate to use that phrase. They
21 were with him waiting for a time to determine when
22 they could go in Mr. Foster's office.

1 Q Do you have any understanding of what time
2 they actually arrived at the White House that
3 morning?

4 A I don't know exactly what time.

5 Q And you mentioned that you saw them a
6 couple of times during that day before the late
7 afternoon meeting?

8 A Correct.

9 Q Can you ballpark those times?

10 A Maybe late morning, early afternoon. Late
11 morning one time and early afternoon another time.

12 Q I take it, based on everything you knew,
13 that the officers had not yet been in Mr. Foster's
14 office to search for a suicide note?

15 A Correct.

16 Q Did you have any understanding of why they
17 had not been in Mr. Foster's office?

18 A They were waiting for approval from
19 Mr. Nussbaum.

20 Q And what's the basis of that understanding?

21 A Just that I was told that they were waiting
22 for two Justice Department attorneys to come over and

1 there was going to be a conversation and there would
2 be a determination made.

3 Q A determination of --

4 A Whether or not they were going to be
5 permitted to go in the office or not.

6 Q Was it your sense that Mr. Nussbaum was
7 going to make that determination?

8 A It was my sense from the conversation that
9 it was going to be a collective effort.

10 Q I'm sorry, I thought a couple questions ago
11 you said they were waiting for approval from
12 Mr. Nussbaum to go into the office.

13 A Maybe I misled you there. I guess what I
14 should have said or meant to say was that they were
15 waiting for two Justice Department attorneys to come
16 over, and that's when this 4:30, 4:45 meeting was
17 going to take place, and they were all going to
18 discuss under what circumstances and how the search
19 was going to take place.

20 Q To the best of your knowledge, did they try
21 and get in the office prior to that time?

22 A I don't know if they did or not.

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1 Q Do you have any understanding of who spoke
2 with them about whether or not they could go into the
3 office?

4 A No, I don't.

5 Q It wasn't you, I take it?

6 A No, no.

7 Q Were you present during any
8 conversations -- before the 4:30, 5:00 meeting, were
9 you present for any conversations with the Park
10 Police in which access to Mr. Foster's office was
11 discussed?

12 A No.

13 Q Did you discuss with anyone else during
14 that day whether or not the Park Police would be
15 granted access to Mr. Foster's office?

16 A Not to the best of my recollection.

17 Q Did it strike you as odd that they were
18 sort of cooling their heels and waiting for this
19 period of time in which you saw them -- cooling their
20 heels, I mean waiting for this period of time?

21 A Not really.

22 Q You didn't think about it one way or the

1 other?

2 A No, I didn't.

3 Q I think what we've determined is that at
4 about 10:00 you were asked to physically station
5 someone outside the office and at about the same time
6 you were informed that the Park Police were coming
7 over; is that right?

8 A Yes, approximately.

9 Q In that 10:00 conversation, did you learn
10 anything else about -- strike that.

11 In that same 10:00 conversation, what, if
12 anything else, did you learn about the investigation
13 into Mr. Foster's death or the security procedures
14 for handling his office?

15 A I'm not sure I understand --

16 Q I want to make sure I'm not missing
17 something. So I wonder when you went down to room
18 10, if you learned anything else that morning?

19 A No, I didn't learn anything else when I
20 went down to room 10. However, when I was going over
21 to Mr. Foster's office, I learned that the chief of
22 the Park Police was coming in to brief some of the

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1 staff as to the preliminary findings of the suicide.

2 Q And what's the chief of the Park Police's
3 name?

4 A Wait a second. I'll think of it. I can
5 see his face. Langston.

6 Q Oh, Langston is the chief of the Park
7 Police?

8 A Right, Bob Langston.

9 Q How did you learn that?

10 A When I was going through the -- as I
11 recall, I think Mr. Imbordino informed me when I was
12 going through the lobby of the west -- basement of
13 the west wing to go upstairs.

14 Q That Mr. Langston was on his way over to
15 brief the staff?

16 A Yes, as I recall -- perhaps that or he may
17 have been sitting in the west basement when I came
18 through.

19 Q Mr. Langston may have been?

20 A Yeah. I don't mean to be -- this goes back
21 a couple years and --

22 Q Don't apologize. I realize it's

1 difficult. My questions probably sometimes make it
2 harder, but I've confused myself.

3 Mr. Imbordino told you -- one possibility
4 is Mr. Imbordino told you he's on his way over and
5 another he was actually sitting --

6 A He was sitting there, yes.

7 Q And was there a briefing of the staff by
8 Mr. Langston?

9 A Yeah, I believe so. Well, there was a
10 briefing because I actually sat in on it when I was
11 relieved upstairs by the uniformed officer and it
12 would have been sometime after 10:30.

13 Q And do you recall it being before noon on
14 that morning?

15 A Yeah, it was before noon.

16 Q So sometime between 10:30 and noon was the
17 briefing?

18 A Right.

19 Q Where did that briefing physically take
20 place?

21 A In Mr. Watkins's office, which is down on
22 the basement level they call it.

1 Q Had you spoken with Mr. Watkins since the
2 evening before?

3 A No.

4 Q Who do you recall attending that briefing?

5 A Oh, wow. Obviously Mr. Watkins. I believe
6 Mr. Nussbaum, Mr. Burton. Let me see. There were
7 two or three other people in there, but I think --

8 Q Go ahead.

9 A I think perhaps -- I'm going to say this --
10 don't quote me on this but --

11 Q I promise you I won't.

12 A I think maybe an attorney for the Foster
13 family may have been present.

14 Q Not Mr. Hamilton, but some other attorney?

15 A I don't recall, but --

16 Q I've heard the name Spafford or something
17 like that. Is that a name that's familiar to you?

18 A I do recall that name, but I can't recall
19 in relationship to what.

20 Q Was Mr. Kennedy present during this
21 meeting?

22 A I don't recall if he was or not.

1 Q Do you recall whether or not
2 Mr. Stephanopoulos was present during this meeting?
3 A I believe he was.
4 Q Were the Park Police, Mr. Hume and
5 Mr. Markland, present in the meeting?
6 A No.
7 Q The head of White House security's name was
8 Mr. Livingstone. Was Mr. Livingstone present?
9 A Craig Livingstone?
10 Q Yes.
11 A I don't believe so.
12 Q Was there a Mr. Hines present in that
13 meeting?
14 A Oh, Major Hines, I believe he was.
15 Q I've seen a document that indicated that a
16 Secret Service agent by the name of Mr. Cole may have
17 been there. Does that refresh your recollection?
18 A That's right, he did come in at the last
19 minute.
20 Q Who is Mr. Cole?
21 A He's also someone that works in my office
22 and his specific duties relate to the pass section,

1 if you will, takes care of all the White House
2 passes, access issues.
3 Q Was Mr. Hubbell present for that meeting?
4 A I believe he was. He's a rather portly
5 gentleman?
6 Q That's a fair description, I think.
7 A I'm not being disrespectful.
8 Q No, I think you've chosen a very respectful
9 word. Your best memory is that he was probably
10 present as well?
11 A Yes.
12 Q And your purpose, Mr. Flynn, in being
13 present was what?
14 A At this point, I just wanted to determine
15 what the preliminary findings were and what steps the
16 Park Police had planned to take from that point.
17 MR. JOHNSON: I want to talk with you in a
18 little detail about your recollections of what was
19 discussed in that meeting, but I'm going to suggest
20 that we take a five-minute break before we do that.
21 (Recess.)
22 BY MR. JOHNSON:

1 Q I think, Mr. Flynn, when we broke, we were
2 talking about the briefing sometime between 10:30 and
3 noon on the morning of the 21st, and we had
4 established a list of people who you recall attended
5 that briefing.

6 A Right.

7 Q Now I'd like to ask in a general way, what
8 do you recall being said in that briefing?

9 A Not a lot, other than the fact that they
10 just went over their preliminary findings that
11 Mr. Foster's body had been found. And I'm drawing a
12 blank on this park over in Northern Virginia.

13 MR. KRAVITZ: Why don't you tell him the
14 name of the park?

15 MR. JOHNSON: No, I can't. But you go
16 ahead and tell him the name of it -- that was a
17 joke. The name of the park --

18 THE WITNESS: It just came to me, Fort
19 Marcy Park.

20 BY MR. JOHNSON:

21 Q I knew that.

22 A His body had been found in Fort Marcy Park,

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1 he was a victim of a self-inflicted gunshot wound and
2 his body had been found sometime around 6:30 p.m. the
3 night before. And I don't recall any of the
4 particulars of the rest of it.

5 Q Do you recall whether there was any
6 discussion in that meeting about the circumstances
7 under which people would go through the documents in
8 Mr. Foster's office?

9 A No, I don't recall that at all.

10 Q Do you recall there being any conversation
11 in that meeting about who would handle or continue to
12 handle the investigation into Mr. Foster's death?

13 A I don't recall that, either.

14 Q How long do you recall that meeting lasted?

15 A To the best of my recollection, less than a
16 half an hour.

17 Q Were you in there the entire time?

18 A To the best of my recollection.

19 Q Just to be careful, let me ask you a couple
20 sort of follow-up questions. I get the sense we've
21 learned everything you recall about the meeting, but
22 let me just try. Do you recall who did most of the

1 speaking in the meeting?

2 A The chief of the Park Police.

3 Q That would be Mr. Langston?

4 A Correct.

5 Q Was the meeting in the nature of a
6 presentation? Did he stand and others sat?

7 A I don't recall. I remember some people
8 sitting and some people standing, and I think the
9 reason some people were standing was because there
10 was not sufficient chairs for everyone to sit. I
11 don't recall it as any formal-type presentation.

12 Q Do you remember Mr. Nussbaum saying
13 anything in that meeting?

14 A No, I don't.

15 Q Do you remember Mr. Stephanopoulos saying
16 anything in that meeting?

17 A No, I don't.

18 Q Let me just try and refresh your memory.
19 Don't let me suggest things to you that you don't
20 remember, but sometimes you can refresh your
21 recollection. Do you have any recollection of anyone
22 in that meeting saying why don't we just let the Park

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1 Police handle it like any other investigation?

2 A I don't recall that.

3 Q In words or substance, you just don't have
4 any recollection of that. Do you remember
5 Mr. Hubbell saying anything in that meeting?

6 A No, I don't.

7 Q Do you remember there being any
8 conversation at all on the topic of Mr. Foster's
9 office?

10 A I don't recall that.

11 Q No one asked you, for example, whether the
12 office had been secured?

13 A No, I don't recall that at all.

14 Q Is it possible that your recollection about
15 the statement that certain people had entered
16 Mr. Foster's office before it was secured, is it
17 possible that that took place in this meeting?

18 A It is quite possible. That's the thing I'm
19 struggling with. I don't remember -- and I don't
20 want to be unfair to anyone here. I don't recall
21 exactly when that issue came up, but it did come up
22 in the course of the conversation throughout the day.

1 Q Are you at least clear that it was either
2 this meeting or the 4:30, 5:00 meeting we talked
3 about, or are there other possibilities?

4 A I can't say with 100 percent certainty.

5 Q Other than Mr. Hubbell, do you recall there
6 being anyone else from the Justice Department in this
7 morning meeting in Mr. Watkins's office?

8 A No, I don't recall.

9 Q Mr. Flynn, what is the next thing that
10 happened on the 21st involving -- to your knowledge,
11 involving Mr. Foster's office or the investigation
12 into Mr. Foster's death?

13 A Is that after the 4:30, 4:40 --

14 Q No, actually I'm trying to bridge the gap
15 to that. After the morning meeting that you
16 attended, were you involved in any way in
17 conversations before the 4:30, 5:00 meeting?

18 A Not to my recollection, nothing other than
19 occasionally I may have come back around to check on
20 the officers to make sure that they were still there,
21 if they needed anything, something of that nature.

22 Q Did you become aware throughout the course

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1 of the day that Mr. Nussbaum had entered the office
2 and removed a black and white photo?

3 A Yes, I did.

4 Q How did you become aware of that?

5 A I don't recall the officer's name, but I
6 came back around and had asked do you have anything
7 that I need to be made aware of in the way of -- for
8 a log that I was going to maintain.

9 Q Was it Officer Macon who you spoke with?

10 A I don't recall off the top of my head.

11 MR. JOHNSON: Let me show you, if I could,
12 Mr. Flynn, a document which we'll just call
13 Deposition Exhibit Number 1, which, for the record,
14 bears the heading "Chronology of Events Regarding
15 Suicide of Mr. Vincent Foster, Deputy Chief White
16 House Legal Counsel." It's a three-page document,
17 and it bears document production numbers 6231, 6232
18 and 6233.

19 (Deposition Exhibit 1 identified.)

20 BY MR. JOHNSON:

21 Q And my question is whether you've seen this
22 document before.

1 A Yes, I have.

2 Q Did you prepare it?

3 A Yes, I did.

4 Q And is the handwriting on the last page of
5 this document your handwriting?

6 A Yes, sir, it is.

7 Q And that page is entitled "Log of Persons
8 Entering Mr. Foster's Office." How did you
9 physically maintain this?

10 A Typically, in the course of the business
11 during the day, I carry 3-by-5 cards with me and I
12 jot down little notes on them and at the end of the
13 day -- or if I'm in a meeting, I'll jot down little
14 notes. And at the end of the day or next day, I come
15 back and I transcribe them onto something like this
16 or I'll type something up. Then I trash the 3-by-5
17 cards because it's something easy to jot down notes
18 on. That's how that came about.

19 Q This was written at the end of the day and
20 not contemporaneously with the events?

21 A Right. It was written the end of the day
22 or the next morning, probably the next morning.

1 Q Let me show you the entry which in
2 handwriting says 11:10 a.m. This is on document
3 number page 6233 and I read this to say "Mr. Nussbaum
4 removed a small B and W" -- which I take to mean
5 black and white -- "photo." And it says "Officer
6 Macon." Is that the event that we were just talking
7 about?

8 A That would be correct.

9 Q And you think you learned this by a
10 conversation -- does this refresh your memory with
11 Officer Macon?

12 A Yeah, she would have told me that.

13 Q Do you remember anything about that
14 conversation?

15 A Something to the effect that the President
16 was coming up to Mr. Nussbaum's office and
17 Mr. Nussbaum went in that office to get a small black
18 and white photo that was somewhere in the office.
19 The photo depicted the President, I believe
20 Mr. Foster and I believe Mr. McLarty when they were
21 in grade school.

22 Q And did the officer complain to you about

1 Mr. Nussbaum's going in or was it a matter-of-fact
2 report?

3 A To the best of my recollection, he told me
4 hey, he went in, he got this photo. The reason he
5 got it was the President was coming up to
6 Mr. Nussbaum's office and --

7 Q The next entry on this log is at 6:34 p.m.,
8 another event you described earlier in the
9 deposition. It says "Cliff Sloan, to replace a bag
10 of trash previously taken from Mr. Foster's trash
11 can," and it says "Officer Chinery." Can you tell me
12 how you came to learn about that?

13 A He would have told me that.

14 Q Do you remember anything more about your
15 conversation with Officer Chinery?

16 A No, other than the fact -- as I recall now,
17 he brought it in. I don't know what kind of a bag it
18 was in, and he placed it on the floor beside the door
19 and left.

20 Q Did Officer Chinery describe to you in any
21 way the contents of the bag?

22 A No, and I don't believe I asked, quite

1 frankly.

2 Q And this indicates that the bag was
3 previously taken from Mr. Foster's trash can. I take
4 it that's something that Officer Chinery told you?

5 A Correct. He would have or someone else may
6 have told me in the course of the conversation of
7 well, where did this trash bag come from to begin
8 with.

9 Q In the course of your conversation with
10 Officer Chinery, did you form any understanding of
11 when that bag had been removed from Mr. Foster's
12 office?

13 A No.

14 Q Did you ask Officer Chinery, to the best of
15 your recollection, whether he examined the contents
16 of the bag?

17 A I don't believe I asked him.

18 Q And to the best of your understanding, he
19 didn't --

20 A I don't think he did.

21 Q I think I was asking you about what other
22 events may have transpired on the day of the 21st,

1 after the morning meeting, but before the late
2 afternoon meeting. Is there anything else that comes
3 to mind on that day?

4 A Every day is a busy day for me. I was
5 carrying on my normal tasks.

6 Q I take it late in the afternoon you learned
7 there was going to be a meeting?

8 A Correct.

9 Q How did you learn that?

10 A I believe Dennis Martin may have informed
11 me, or he informed Mr. Imbordino, who informed he.

12 Q What did you understand the purpose of that
13 meeting to be?

14 A Was to determine when there would actually
15 be, for lack of a better term, a search of
16 Mr. Foster's office.

17 MR. JOHNSON: I'm sorry, Julie, could you
18 just read that back to me.

19 (The reporter read the record as requested.)

20 BY MR. JOHNSON:

21 Q And who attended that -- strike that,
22 Julie. I'm sorry.

1 Where physically did that meeting take
2 place?

3 A In Mr. Nussbaum's office.

4 Q This is the meeting that you and I have
5 talked about a little bit earlier in the deposition?

6 A That's correct.

7 Q I'm trying, Mr. Flynn, to not be too
8 redundant because we've gone over some of your
9 recollections about this meeting. And we talked
10 earlier about it in the context of your recollection
11 that you had learned sometime on the 21st that four
12 people had entered Mr. Foster's office before the
13 office was posted with a security guard. So let's
14 leave that aside because I understand that may have
15 occurred in that meeting and it may have occurred at
16 some other time and you don't today recall?

17 A No, I don't.

18 Q Generally speaking, then, what do you
19 recall being said in the late afternoon meeting?

20 A The only thing I recall about the meeting
21 is the conversation as to when the office would
22 actually be searched and the fact that I think three

1 principles would apply. Executive privilege,
2 attorney-client privilege on behalf of information in
3 there that related to the President and the First
4 Lady and attorney-client privilege in there that was
5 of a personal nature that belonged to Mr. Foster.

6 Q Who do you remember stating those three
7 principles?

8 A That was a conversation between
9 Mr. Nussbaum, as I recall, and the Justice Department
10 officials.

11 Q And you remembered, I think, this morning
12 that Mr. Margolis from the Justice Department was
13 present?

14 A Correct.

15 Q Do you remember who else, if anyone, from
16 the Justice Department was present?

17 A There was someone else, I believe, but I
18 don't remember the person's name.

19 Q Was it a Mr. Adams?

20 A Quite possibly.

21 Q I want to come back to that conversation,
22 but let me just get other general topics. That was a

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1 discussion of what principles would apply to the
2 search or review of documents in Mr. Foster's
3 offices. Was there a conversation about when that
4 search or review would occur?

5 A Yes. It was to take place the following
6 day, which would have been the 22nd, I believe. It
7 was going to take place the following day at about --
8 I believe around 1:00 p.m., approximately 1:00 p.m.

9 Q Was there any explanation of why it was not
10 taking place on the 21st?

11 A I don't recall. If there was, I don't
12 recall what it would have been.

13 Q Do you recall whether or not the topic was
14 discussed -- even if you don't recall the specifics,
15 do you recall the topics?

16 A I don't recall that, either.

17 Q Did the Park Police, who had been sitting
18 there all day, complain and say something to the
19 effect we've been here all day, can't we go in the
20 office?

21 A I don't recall that, either.

22 Q Do you know whether or not they were

1 agitated or displeased that they had been denied
2 access -- I don't want to use pejorative words --
3 that they had not been able to search the office?

4 A Once again, I don't recall.

5 Q Was there any explanation in this meeting
6 by anyone of why the search could not take place on
7 the 21st?

8 A Once again, sir, I don't recall.

9 Q Was it discussed in the 5:00 p.m. meeting
10 who would examine the documents in Mr. Foster's
11 office when the search did take place?

12 A Once again, I don't recall specifically. I
13 mean, I know what happened the next day, but I don't
14 recall -- I don't recall in that meeting if it was
15 defined.

16 Q I realize that you're probably not going to
17 recall the answers to these questions. Let me just
18 ask them anyway.

19 Do you know whether or not it was agreed in
20 that meeting that the Department of Justice would
21 conduct the initial review of the documents?

22 A I'm sorry, I don't recall that.

1 Q Do you recall whether there was any tense
2 exchanges between any individuals at the meeting?

3 A I don't recall that, either.

4 Q How long do you suppose that the 5:00 p.m.
5 meeting -- 4:30 or 5:00 p.m. meeting that you
6 described lasted?

7 A Approximately a half an hour or so.

8 Q Other than the topics which we have
9 discussed, do you recall anything else about that
10 meeting?

11 A Only that it was announced in that meeting
12 that we were going to put a -- the Secret Service was
13 going to put a lock on that door, a one-of-a-kind
14 lock on that door.

15 Q What does that phrase "one-of-a-kind lock"
16 mean?

17 A I knew you were going to ask me that.
18 Basically, it was to have been a special -- I'm not a
19 lock expert so don't lock me in on this, but it's
20 like a -- we use Medco locks. They're security
21 locks. This lock would have had a master key and one
22 key to fit that lock. There would have been no other

1 keys available for that lock, period.

2 Q Prior to that being mentioned in the 4:30
3 or 5:00 p.m. meeting, did you have any awareness that
4 the Secret Service was going to do that?

5 A No, I didn't.

6 Q You learned it for the first time at that
7 meeting?

8 A Right.

9 Q Who was responsible for causing that to
10 happen?

11 A To the best of my recollection, that was a
12 conversation between Mr. Magaw, our director, and
13 Mr. Ron Noble.

14 Q Was there any discussion in the afternoon
15 meeting of what the purpose was of putting a
16 one-of-a-kind lock on that door?

17 A To be able to have it secured by a means
18 other than tying up a officer there for perhaps
19 however long it was going to take, another 12 to 24
20 hours, before they ever went in the room. And beyond
21 that point, if they were not satisfied -- this is a
22 presumption on my part -- if they weren't satisfied

1 when they went in the room the next day and it was
2 going to have to continue to be secured, this would
3 alleviate having to tie up an officer there for an
4 extended period of time.

5 Q Who stated to the group that this
6 one-of-a-kind lock was going to be put on?

7 A I believe that was Mr. Nussbaum.

8 Q When Mr. Nussbaum stated that, did anyone
9 make any response to that statement?

10 A I don't recall any.

11 Q No one, to the best of your recollection,
12 said what's the point, the door went unlocked for 12
13 hours or anything like that?

14 A I don't recall that.

15 Q Do you recall anything else about the
16 afternoon meeting in Mr. Nussbaum's office?

17 A No, sir, I don't.

18 Q Did you have any conversations with anyone
19 generally on the topic of Mr. Foster or his documents
20 or his office prior to the meeting, for example, as
21 the meeting was beginning or as you were walking to
22 the meeting or anything of that kind?

- 1 A Not to my recollection.
- 2 Q What about after the meeting? As you were
- 3 leaving the meeting, did you have any conversations
- 4 with anyone about the topics that were discussed in
- 5 the meeting?
- 6 A Not to my recollection.
- 7 Q What, Mr. Flynn, is the next thing that
- 8 happened on the afternoon of the 21st in connection
- 9 with Mr. Foster's office?
- 10 A At about 8:00, I believe, our lock expert
- 11 showed up with another gentleman, and they placed a
- 12 lock on the door.
- 13 Q It was just sort of a deadbolt kind?
- 14 A Deadbolt-type lock.
- 15 Q Were you physically present with them when
- 16 they did that?
- 17 A Yes, sir.
- 18 Q And I take it they locked the door?
- 19 A I locked the door. They gave me the two
- 20 keys, the master key and the other key.
- 21 Q And you had possession of that key, I take
- 22 it, after that?

- 1 A Correct.
- 2 Q And it was your understanding that no one
- 3 else had any possession of that key?
- 4 A Correct, sir.
- 5 Q What instructions, if any, were given to
- 6 you with respect to when, if at all, to unlock the
- 7 door?
- 8 A That the door would be unlocked the next
- 9 day at approximately 1:00 p.m. when they did the
- 10 search.
- 11 Q And I take it you didn't unlock the door
- 12 until that time?
- 13 A No, I didn't.
- 14 Q And no one asked you to unlock the door?
- 15 A No.
- 16 Q And it's clear in your mind where that key
- 17 was the entire time?
- 18 A Right. There were actually two keys. I
- 19 believe I had the master key and the actual key
- 20 itself.
- 21 Q And they were together?
- 22 A Yes.

1 Q Did you take them home with you that night?

2 A Yes, sir, I did.

3 Q I take it, other than through the door or
4 breaking a window, there were no other means of
5 accessing Mr. Foster's office?

6 A Correct.

7 Q Just because I've seen so many movies, you
8 can't crawl through a ventilation duct or anything
9 like that?

10 A I hope not.

11 Q What time do you recall leaving the White
12 House that night?

13 A I think they finished putting the lock on
14 at 10:15, 10:30. I think I went back to my office,
15 kind of turned the lights off, closed up shop and
16 headed home, so I was out of there by 11:00 at the
17 latest.

18 Q Well, let's jump forward in time, then, to
19 the next day, the 22nd, which, if memory serves, was
20 a Thursday in 1993. Did you arrive at the
21 White House at your normal arrival time?

22 A Yes.

1 Q Did you go check Mr. Foster's office?

2 A Yeah, I walked up there and stuck my head
3 in to make sure the lock and bolt were still intact.

4 Q What's the next thing that happened?

5 A To the best of my recollection, at about
6 1:00 or shortly thereafter, I went back up there and
7 the folks who were going to be involved in going in
8 to do the actual search all mustered up there, and
9 Mr. Nussbaum came out of his office, went and
10 unlocked the door and went in.

11 Q Did you -- prior to going up there for the
12 search, did you attend any meetings that morning to
13 discuss further the method of conducting the search?

14 A Not to my recollection. I don't believe
15 so.

16 Q And whether or not you attended a meeting,
17 were you aware of such a meeting? Did anyone ever
18 tell you that a meeting had taken place or would take
19 place?

20 A I don't recall that.

21 Q And your best guess about the time that the
22 search took place is 1:00 or 1:15 on the afternoon of

1 the 22nd?

2 A Yeah, on this log it's 1:15, so that's what
3 time it would have been.

4 Q Let me read through the names there to get
5 in the record the names of the attendees. The first
6 entry there is Mr. Nussbaum in your handwriting; is
7 that correct?

8 A Yes.

9 Q Why don't you read off the rest of those.

10 A Steve Neuwirth, Cliff Sloan, Bill Burton,
11 looks like Michael Spafford, David Margolis, Roger
12 Adams, Captain Charles Hume, Pete Markland, Scott
13 Salter, Dennis Condon, Paul Imbordino and myself, Don
14 Flynn.

15 Q To the best of your recollection today, is
16 that a complete list of attendees?

17 A Yes, sir.

18 Q And to your recollection, you intended that
19 to be a list of everyone who was there?

20 A Yes, sir.

21 Q Had you met Mr. Neuwirth before 1:15 on the
22 afternoon of the 22nd?

1 A I may have -- he may have been in the
2 afternoon meeting the day before in Mr. Nussbaum's
3 office, but I don't recall.

4 Q What about Mr. Sloan?

5 A I'd have to give the same answer. I don't
6 recall.

7 Q And Mr. Spafford, I take it, was an
8 attorney representing Mr. Foster's estate?

9 A Correct.

10 Q Had you met Mr. Spafford prior to this
11 time?

12 A I don't think so.

13 Q Okay. What happened?

14 A Well, essentially everybody went in the
15 room and --

16 Q This is a lot of people for that room?

17 A Yeah, I should have said everybody piled in
18 the room. And I was all the way in the back standing
19 over in the corner by the door.

20 Q Could you see clearly?

21 A With reference -- I mean, you could see
22 what was going on in the room. The room's not that

1 big. Let me see. Mr. Nussbaum was behind the desk,
2 and I believe Steve Neuwirth was standing back there
3 with him. And I believe Mr. Burton was also back
4 there. And Mr. Nussbaum proceeded to go through all
5 the things that were in the office and they were like
6 putting the piles, if you will, of executive
7 privilege -- this is the best of my recollection,
8 this terminology -- executive privilege,
9 client-attorney privilege as it related to the
10 President and First Lady and client-attorney
11 privilege as it related to Mr. Foster's personal
12 items, and that was it.

13 Q Your best recollection is there were three
14 piles of documents?

15 A Correct.

16 Q What about documents that didn't fall into
17 any of those categories?

18 A I don't recall any specific reference to --
19 I don't recall any specific reference to -- I mean --
20 I really don't recall it.

21 Q Let me just sort of get a physical vision
22 of this crowded office. Mr. Nussbaum is standing

1 behind Mr. Foster's desk?

2 A Correct.

3 Q And I think you said the two Justice
4 Department people were standing back there with him?

5 A No.

6 Q Did I misunderstand you?

7 A I believe Mr. Neuwirth was standing back
8 there off to one side and Mr. Burton was standing off
9 to another side.

10 Q White House employees were standing back
11 there?

12 A Right.

13 Q Where were the Justice Department people?

14 A To the best of my recollection, they were,
15 like, seated up front. Here's the desk. It's not a
16 big room. There's a little bit of distance and they
17 may have been over here somewhere. I mean, it was --

18 Q I know what you said, but the record
19 doesn't deal well with heres and theres.

20 A I'm sorry.

21 Q The three individuals you described were
22 behind Mr. Foster's desk?

- 1 A Correct.
- 2 Q And the Justice Department officials were
- 3 on the other side of the desk from them; is that
- 4 correct?
- 5 A That's correct.
- 6 Q And they were, I take it, in the rest of
- 7 the crowd?
- 8 A Correct.
- 9 Q Just to help us visualize, how physically
- 10 was the search conducted? Did people open drawers?
- 11 A Oh, yeah, they pulled out drawers, they
- 12 looked through them.
- 13 Q Who is the "they"?
- 14 A I shouldn't say "they." I should say
- 15 Mr. Nussbaum.
- 16 Q Did Mr. Nussbaum physically himself open
- 17 all the drawers?
- 18 A To the best of my recollection.
- 19 Q And he alone reviewed the documents?
- 20 A Yes, to the best of my recollection.
- 21 Q And the determination about which pile to
- 22 put the documents in, who made that determination?

- 1 A He did, to the best of my recollection.
- 2 Q Based upon just your observations, did he
- 3 consult with Mr. Neuwirth or Mr. Burton or anyone
- 4 else in making those determinations?
- 5 A I think on a couple of occasions he did
- 6 consult with Mr. Neuwirth.
- 7 Q Do you remember him ever consulting with
- 8 the Justice Department attorneys?
- 9 A There was conversation back and forth about
- 10 some of the items and what this was and what pile it
- 11 should go in, but I don't recall the specific
- 12 conversation.
- 13 Q Did Mr. Nussbaum open every drawer that you
- 14 could see in the office?
- 15 A To the best of my recollection he did.
- 16 Q Did he go through the trash?
- 17 A Yes, to the best of my recollection he did.
- 18 Q Do you have any understanding today about
- 19 where -- strike that, Julie. I'm sorry.
- 20 Was there anything in the trash?
- 21 A I don't recall anything.
- 22 Q I take it, therefore, you wouldn't recall

1 where he put anything that he may have found in the
2 trash?

3 A No, I don't recall the specifics.

4 Q Did Mr. Nussbaum go through the bookcase?

5 A Correct.

6 Q Do you have any recollection today about
7 whether or not there was a burn bag in Mr. Foster's
8 office?

9 A I don't recall.

10 Q As a matter of general security procedures,
11 should there have been a burn bag in his office?

12 A In general terms, yes. That's not to say
13 that there -- I mean, some offices may handle it a
14 little differently. There may be a main burn bag out
15 in the main office where you take your trash to be
16 burned. In general terms, there should have been one
17 somewhere in the offices, in the office suite.

18 Q How long did it take Mr. Nussbaum to
19 conduct this document review?

20 A Do you mind if I --

21 Q Oh, no, please help yourself. The record
22 should state that the witness is referring to the

1 log.

2 A I'm referring to this log. By looking at
3 the log, I would say an hour and 15 minutes to an
4 hour and a half.

5 Q During that entire hour and 15 minutes, was
6 it Mr. Nussbaum alone who conducted the review of the
7 documents?

8 A To the best of my recollection.

9 Q None of the individuals in that office who
10 were on your side of the desk, that is to say the
11 opposite side of the desk from Mr. Nussbaum,
12 Mr. Neuwirth and Mr. Burton, reviewed any documents
13 in that hour and 15 minutes; is that correct?

14 A I don't recall any.

15 Q I just want to make sure that my question
16 is not so bad as to confuse the answer. Your
17 testimony is that, to the best of your knowledge, no
18 one reviewed documents other than Mr. Nussbaum; is
19 that right?

20 A To the best of my recollection, sir.

21 MR. JOHNSON: Off the record.

22 (Discussion off the record.)

1 BY MR. JOHNSON:

2 Q Did anyone complain that they were not
3 being allowed to see documents?

4 A I don't recall anybody complaining.

5 Q Do you have any understanding of the
6 general attitude of the investigators who were there
7 and whether they thought this was an appropriate way
8 to conduct this review?

9 A No, I don't, sir.

10 Q No one said anything to you at least?

11 A No.

12 Q Other than this review conducted by
13 Mr. Nussbaum and his division of the documents into
14 various categories, do you recall anything else that
15 was said during this meeting?

16 A No -- well, the only thing I recall was
17 that the personal items that belonged to Mr. Foster
18 were going to be turned over to Mr. Foster's attorney
19 or Mr. Spafford, who was representing that office,
20 that he would take them to his own office at the law
21 firm and the Park Police would have to contact that
22 firm in order to go through those records.

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1 Q What was said about the availability to
2 review any other documents other than the personal
3 documents that were there?

4 A I don't recall any -- I don't recall any
5 specific conversation about that.

6 Q Did anyone state or imply that there was
7 any other set of documents that was going to be
8 removed from the office?

9 A Not to my knowledge.

10 Q Was it your personal understanding, other
11 than the personal documents and effects that had been
12 given to Mr. Foster's personal attorney, that all
13 other documents were going to remain in that office?

14 A I don't recall if they were or not.

15 Q You don't have any understanding one way or
16 the other?

17 A No.

18 Q Who searched Mr. Foster's briefcase, if you
19 recall?

20 A As I recall, Mr. Nussbaum picked it up
21 from -- it was on the floor behind the desk, to the
22 best of my recollection. He picked it up and pulled

1 the items out of it.

2 Q Do you have any recollection of what he did
3 with the items?

4 A No, I don't.

5 Q Did he state to the group that that's all
6 that was in there?

7 A I don't recall.

8 Q You don't recall him saying anything like
9 "it's empty" or "that's it" or anything to that
10 effect?

11 A Off the top of my head, I don't recall.

12 Q Did he hold the briefcase upside down and
13 shake it?

14 A I don't recall that, either.

15 Q At one point, it's been reported that
16 someone present in the room stood up and was
17 reprimanded by a White House official for standing
18 up. Do you have any recollection of that?

19 A Yeah, the one FBI agent, Scott Salter --
20 and quite frankly, my opinion is it was blown out of
21 proportion. It was more of a joke that a serious --
22 I mean --

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1 Q What happened?

2 A He just simply -- he stood up -- he stood
3 erect.

4 MR. JOHNSON: Indicate that Mr. Flynn is
5 standing.

6 THE WITNESS: He just stood up, stood erect
7 and kind of looked up towards the desk. And I don't
8 even recall who it was, but someone made an offhanded
9 remark, but I certainly didn't take it as a
10 reprimand.

11 BY MR. JOHNSON:

12 Q Was there laughter after the remark?

13 A I don't recall that there was.

14 Q It didn't strike you as an inappropriate
15 comment or inappropriate thing at that time?

16 A No.

17 Q What, if anything, do you recall of Park
18 Police officers Mr. Markland and Mr. Hume saying or
19 doing during the course of the review?

20 A I don't recall anything, sir.

21 Q Did you yourself take any notes of what was
22 happening at that time?

1 A No.

2 Q And, Mr. Flynn, do you today recall anyone
3 else taking notes of what happened?

4 A Not to my knowledge because, like I said, I
5 was standing all the way in the back of the room and
6 I -- quite frankly, I wasn't paying a great deal of
7 attention to what other people sitting in the
8 audience, if you will, were doing.

9 Q You said a moment ago that you do recall
10 Mr. Nussbaum taking documents out of Mr. Foster's
11 briefcase; is that correct?

12 A Out of a briefcase.

13 Q Was there more than one briefcase in there?

14 A That's the only briefcase that I saw.

15 Q You don't personally know whether it was
16 Mr. Foster's briefcase?

17 A No, I don't. You could presume that it was
18 his. It was in his office.

19 Q What kind of briefcase was it?

20 A To the best of my recollection, it was -- I
21 don't know if you call it like a satchel-type
22 briefcase.

1 Q A little accordion type --

2 A From where I was, it appeared to be
3 leather, dark in color, had like two handles on top
4 and opened at the top, accordion type, I guess.

5 Q Was it locked?

6 A No, and I don't recall any means to be able
7 to lock it. It definitely wasn't locked.

8 Q He just snapped it open?

9 A I don't even know -- he just picked it up
10 and pulled it -- as I said, the top was -- the best
11 of my recollection it was an open-top type briefcase.

12 MR. KRAVITZ: Sounds like the type --

13 MR. JOHNSON: With a zipper or something on
14 the top.

15 MR. KRAVITZ: Yes.

16 BY MR. JOHNSON:

17 Q Before I got fascinated by the shape of the
18 briefcase, I meant to ask whether or not you recall
19 Mr. Nussbaum putting any documents back in the
20 briefcase?

21 A I don't recall if he did or not.

22 Q Is it your best estimate that he did not?

1 A I can't say one way or another.

2 Q Now, I think you said that it was
3 understood at the meeting that Mr. Foster's personal
4 attorneys would take certain documents with them?

5 A Correct.

6 Q Was it your understanding that they would
7 take them with them at the time, for example, when
8 they left that meeting on that day, they would
9 physically take the documents?

10 A To the best of my recollection, that was my
11 understanding.

12 Q How did this review or search come to an
13 end?

14 A All I recall is that they went through
15 everything and that was that. This is the end and
16 the Park Police, if you want to look through
17 Mr. Foster's items, you're going to have to go to his
18 private attorney's office and I don't recall any
19 other conversation. We walked out of the office and
20 I asked Mr. Nussbaum if there was any further need to
21 keep the office secure, and he said no, that it had
22 all been completed, and I handed over the two keys.

1 Q You personally gave them to Mr. Nussbaum?

2 A Yes.

3 Q And to use your word, when you did that,
4 the office is no longer "secure"?

5 A Correct.

6 Q Because Mr. Nussbaum or anyone Mr. Nussbaum
7 gives the keys to can go in there? .

8 A Correct.

9 Q And I'm correct, am I not, that to the best
10 of your knowledge, the only one who's yet seen the
11 documents in this office is Mr. Nussbaum?

12 MR. KRAVITZ: Do you mean as of that time?

13 MR. JOHNSON: As of that time.

14 THE WITNESS: In a manner of speaking, yes,
15 but I can't say he didn't hold the document up from a
16 distance and whatever -- but substantially speaking,
17 yes, he's the one who went through the documents and
18 made the determination.

19 BY MR. JOHNSON:

20 Q To the best of your knowledge, the Park
21 Police had still not been allowed to go through all
22 the documents?

1 A To the best of my knowledge, that's
2 correct.

3 Q And at least to the best of your knowledge,
4 the FBI had not been allowed to go through those
5 documents?

6 A That's correct, at that point in time.

7 Q And the same would be true with respect to
8 the Justice Department attorneys, at least at that
9 point in time?

10 A That's correct.

11 Q And just at the risk of being redundant,
12 understanding that he may have held up one or two
13 documents, am I correct -- do I understand this
14 correctly that at the time, in your opinion, when the
15 office is not secure any longer, it's still only
16 Mr. Nussbaum who's seen all of the documents in that
17 office?

18 A Based on what I've said, that would be
19 correct, yes.

20 (Recess.)

21 BY MR. JOHNSON:

22 Q Let me, Mr. Flynn, clear up a couple things

1 I may have touched on, but not quite thoroughly
2 enough. During the search in Mr. Foster's office on
3 the afternoon of the 22nd, I think you said you had a
4 general recollection that Mr. Nussbaum went through
5 the trash; is that correct?

6 A Yeah.

7 Q Do you have any recollection of where the
8 trash was located in the office?

9 A Let me see -- as I recall, off to the
10 right-hand side behind the desk.

11 Q Behind the desk?

12 A Yeah, to the best of my recollection. It
13 was either behind it -- let me recant that. It was
14 either behind the desk or next to the desk on the
15 right-hand side.

16 Q It was at the opposite end of the office
17 from the door?

18 A Correct.

19 Q And could you tell -- did he physically
20 lift the bag out of the trash can?

21 A I don't recall.

22 Q Do you have any understanding -- strike

- 1 that, Julie. I'm sorry. I'm getting tired.
2 How full was the trash?
3 A I don't recall that either.
4 Q No recollection at all of the volume of
5 trash?
6 A And when I'm talking about trash, I'm
7 talking about the bag that had been put back in
8 there.
9 Q We're talking about the same thing.
10 A Right.
11 Q I'm not talking about other clutter in the
12 office.
13 A No.
14 Q You don't today, therefore, have any
15 recollection of how full that bag was?
16 A No.
17 Q The papers that were in that bag, do you
18 recall whether or not they were torn or intact?
19 A I don't even recall that, sir.
20 Q Do any of them appear to have been
21 shredded?
22 A I don't recall that, either.
-

- 1 Q This is the trash bag, we're assuming, I
2 guess, for purposes of our communication, that
3 Mr. Sloan placed back in the office the evening
4 before?
5 A Right.
6 Q And the log, which is document number 6233,
7 indicates that that was done at about 6:34 on the
8 evening of July 21st. Do you remember that from the
9 log?
10 A Right.
11 Q And you were in a meeting in Mr. Nussbaum's
12 office at about 5:00 p.m. on the evening of the 21st;
13 is that correct?
14 A Correct.
15 Q Perchance, did you happen to see that same
16 trash bag in Mr. Nussbaum's office?
17 A No.
18 Q Let me see if I've got the chronology a
19 little bit right. As I think we established earlier
20 on, Mr. Foster's office was not subject to any
21 extraordinary security procedures until sometime
22 after 10:00 a.m. on the morning of the 21st; is that

1 right?

2 A That's correct.

3 Q And after the 1:15 meeting that you guess
4 lasted an hour and a half or so on the afternoon of
5 the 22nd, the office was no longer secure at that
6 time as well?

7 A That's correct.

8 Q So to the best of your knowledge, the only
9 times in which it was secure was between those two
10 times. Is that a fair statement?

11 A Correct.

12 Q And to the best of our knowledge, that
13 office was only entered twice during the secure
14 period of time; is that correct?

15 A That's correct.

16 Q Once by Mr. Nussbaum to remove a photograph
17 and once by Mr. Sloan to return the trash that we've
18 been discussing?

19 A Correct.

20 Q Have I missed anything here? Have I got it
21 generally right?

22 A Yes, you do.

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1 Q During the course of the search on the
2 afternoon of the 22nd, do you recall whether or not
3 anyone left during the search?

4 A Off the top of my head, I don't recall.

5 Q You don't have any recollections about
6 that?

7 A No.

8 Q With respect to the events of the 22nd, I
9 think where we left it chronologically is you handed
10 the keys to Mr. Nussbaum. Do you have any
11 understanding of what he did with the office keys?

12 A No. I told him that if he wanted that lock
13 changed, to give me a call or contact our technical
14 security division. They would take care of it, but
15 that was --

16 Q That was your last --

17 A I was off to my normal duties.

18 Q Was that sort of your last word on the
19 subject of the security of that office?

20 A Yes, sir.

21 Q And you don't have any understanding even
22 today whether or not people entered the office after

1 that time?

2 A No.

3 Q Has the lock actually been replaced?

4 A I couldn't tell you.

5 Q Let's jump forward in time. When is the
6 next period of time when you had any involvement at
7 all in the investigation of Mr. Foster's death or the
8 handling of his documents?

9 A I never handled his documents.

10 Q It was such a terrible question. On the
11 topic -- when's your next involvement on the topic of
12 Mr. Foster's death or anything related to it?

13 A I was interviewed by the FBI sometime in
14 early August. Actually, I think it was one or two of
15 the same agents that had been over there earlier as
16 to my recollection of what took place in Mr. Foster's
17 office, the search of Mr. Foster's office.

18 Q Between July 22nd when you handed the keys
19 to Mr. Nussbaum and that interview, you don't
20 remember there being any other involvement?

21 A I don't recall any.

22 Q Were you contacted in any way in connection

1 with the discovery of the handwritten note by
2 Mr. Foster which some have referred to as a suicide
3 note?

4 A No. I mean, I heard that on the news like
5 everybody else.

6 Q You never saw the document?

7 A No, sir.

8 Q Did you ever discuss with anybody the
9 circumstances under which it was discovered?

10 A No, sir.

11 Q Let me just show you -- I'm nearly
12 finished, but let me show you a couple of things that
13 maybe you can shed some light on here.

14 Let me show you a document that bears a
15 somewhat illegible document number. It's either 113,
16 163 or some variation on that. So because the
17 document production number is not clear, let me also
18 describe it in the record as a photocopy of what
19 appear to be a series of telephone slips or memoranda
20 of calls.

21 Specifically, I'd like to direct your
22 attention to one dated July 2th, 1993, and there

1 appears to be a reference to Paul or Don with some
2 telephone numbers and a reference to Dennis Martin,
3 who we know is a Secret Service sergeant. It seems
4 to indicate that a call was placed to Officer
5 Markland from someone named Mark or Cliff Sloan on
6 July 29, 1993. Have you ever seen that before?

7 A No, sir.

8 Q Is that your telephone number that appears
9 on that document?

10 A 2443, that was my telephone number, mine
11 and Paul's.

12 Q And Paul is Paul Imbordino?

13 A Yes, sir.

14 Q Did you have any conversations with Officer
15 Markland or Cliff Sloan or anyone else on or about
16 July 2, 1993?

17 A I don't recall any conversations.

18 Q This refreshes my memory on something I
19 should have asked you. During the search of
20 Mr. Foster's office on the 22nd, do you recall there
21 being any reference to or discussion of telephone
22 logs?

1 A Yes, I do recall that.

2 Q What do you recall about that?

3 A I recall the topic coming up and the fact
4 that -- would they be turned over to the Park Police
5 or not, but I don't recall the disposition.

6 Q Were the telephone logs there? Were they
7 physically present there?

8 A I don't recall if the telephone logs were
9 there or if they were going to retrieve telephone
10 logs from the reception area.

11 Q Generally, you recall the question of
12 whether or not they would be turned over came up in
13 that meeting, but you don't recall more than that.
14 Is that a fair statement?

15 A No, I don't.

16 Q Do you recall who raised the question?

17 A I sure don't.

18 Q Do you recall whether anybody answered the
19 question?

20 A And I don't recall that either.

21 Q What about -- let me ask you the same sorts
22 of questions with respect to diaries of Mr. Foster.

1 Was there any discussion of his diary or diaries?

2 A I don't recall any discussion about that.

3 Q Here's another document with an illegible
4 document production number. I'm going to guess that
5 it's 168, which is a handwritten document. Let me
6 ask you, first of all, whether you've seen that
7 document before?

8 A No.

9 Q There seems to be a reference on this
10 document -- it says Don Flynn, and it has your
11 telephone number. Is that actually your telephone
12 number?

13 A It's really not my number. I could be
14 reached through that number. They would call that
15 number and they would transfer, but that's not my
16 direct number.

17 Q For the record, the telephone number that
18 appears here is 395-4112.

19 A Right. That's the phone number down in
20 room 10.

21 Q There's an annotation opposite your name
22 that says "we'll try to see if we know what car was

1 brought up and" -- "in the morning." Does that
2 refresh your recollection about any conversations you
3 may have had?

4 A Absolutely none.

5 Q This doesn't jog any memories at all?

6 A No.

7 Q Finally, let me show you another document,
8 again bearing a completely illegible document
9 production number, but it's a photocopy of four
10 telephone messages from Captain Hume. And in the
11 upper right-hand column it appears to be a telephone
12 message to Captain Hume and Detective Markland. And
13 it says "you were called by Don Flynn, Secret Service
14 202-456-2443" and it's dated July 28, 1993. Do you
15 see that? This is what I'm referring to in the upper
16 right-hand corner.

17 A I see that.

18 Q Did you call Captain Hume or Detective
19 Markland on July 28th?

20 A I may have, but I don't recall what it
21 would have been in reference to. It may have been
22 returning a call that they placed to me.

1 Q Do you have any recollection today of why
2 you would have been speaking with Captain Hume or
3 Mr. Markland in late -- in the last few days of July
4 1993?

5 A The only thing I recall, that they were in
6 conversation with both Paul and I about coming back
7 over to the complex. I don't recall with what
8 specific reference it was for, but that may have been
9 the only thing. Other than that, I don't remember
10 any substantive conversation.

11 Q You generally think they wanted to come
12 back to the White House?

13 A That's the only thing I can think that it
14 might be.

15 Q Did they request to come back and see
16 Mr. Foster's office or the documents in Mr. Foster's
17 office?

18 A I don't recall. Many times -- many
19 times -- let me explain this to you. If Paul's not
20 in, someone will ask for me. If I'm not in, someone
21 will ask for Paul because we're like a two-man office
22 up there. I don't recall any specifics.

1 Q To conclude on this point, this was more or
2 less the time that the handwritten note by Mr. Foster
3 was discovered. Did you ever have any conversations
4 with Captain Hume or Detective Markland about the
5 handwritten note?

6 A I don't recall any.

7 Q You think I'm about finished. Let me just
8 ask you whether or not -- on July 21, 1993, do you
9 recall having any conversations with Captain Hume
10 about the alarm system in the White House counsel's
11 office and how that system may have worked?

12 A Not me. If I did, I would have referred
13 him to Dennis Martin or someone else.

14 Q Just generally, did Captain Hume ask you
15 for a log or access log or anything of that kind
16 relating to Mr. Foster's office?

17 A He didn't ask me. He may have asked Dennis
18 Martin.

19 Q Have you heard -- and I mean in the most
20 general way -- heard or heard of the possibility that
21 documents were removed from Mr. Foster's office prior
22 to the search on July 22, 1993?

1 A I've heard innuendo, but I'm talking
2 about -- we're talking about -- how do I say this --
3 third, fourth, fifth, sixth, seventh, eighth hand
4 information, some scuttlebutt, but I have no personal
5 knowledge of any of that.

6 Q What scuttlebutt have you heard?

7 A Just that there was some innuendo that
8 someone may have carried a box or two of items off
9 the second floor.

10 Q Prior to the search on the 22nd?

11 A Correct.

12 Q Where do you think you heard that from,
13 Mr. Flynn?

14 A It may have been someone from the uniformed
15 division. This goes back some time. I don't even
16 recall a specific --

17 Q Did that someone from the uniformed
18 division -- you mean the Secret Service uniformed
19 division?

20 A Correct.

21 Q Do you think someone told you they
22 personally saw that or they had heard about it?

1 A I think -- I don't think -- I know that
2 they heard. No one has told me that they personally
3 saw anything.

4 Q Do you remember any more specific details
5 or any names attached to the innuendo in any way?

6 A There was a name attached, yes, Craig
7 Livingstone. It's been in the papers and --

8 Q You've heard that someone saw -- someone
9 says that they saw Mr. Livingstone carrying a box of
10 documents that may have come from Mr. Foster's
11 office?

12 A Something to that effect.

13 Q And you think you may have heard that from
14 a uniformed officer, but you don't recall who you
15 heard it from?

16 A No. But I definitely read it in the paper
17 or read something to that effect.

18 Q But you think you were also told in a
19 gossipy kind of way by Secret Service person?

20 A Let me emphasize gossip, strictly gossip.

21 Q I'm just trying to track it down to a
22 source and it's not you?

1 A No.

2 Q And it doesn't sound like it's the person
3 who told you, but maybe if we can track it back, have
4 you heard any other names attached to this in any
5 way?

6 A No.

7 Q And you don't remember who it was who may
8 have told you this?

9 A No, I don't.

10 Q Would it refresh your recollection if I
11 suggest it may have been an officer who told you was
12 Abt?

13 A No, I know it definitely wasn't him.

14 Q Have you ever spoken with anyone -- other
15 than these innuendoes you've been describing, have
16 you heard any other information that the documents
17 were possibly removed from Mr. Foster's office prior
18 to the July 22nd search?

19 A None. Absolutely none.

20 Q Did you or anyone at your direction conduct
21 any investigation into the possibility that documents
22 had been removed prior to the 22nd?

1 A No, sir.

2 Q And as you sit here today, you don't have
3 any information, other than what we've talked about,
4 the handling of documents from Mr. Foster's office?

5 A None.

6 MR. JOHNSON: Thank you, Mr. Flynn.
7 Mr. Kravitz will have some questions and at the end
8 of that, I'll spend five seconds with you talking
9 about confidentiality, but thank you very much for
10 your time.

11 EXAMINATION

12 BY MR. KRAVITZ:

13 Q Why don't we keep going, if you don't mind,
14 without a break. As I said, I may have to stop at
15 about 4:50 or 4:55 and I'm going to go back, I think,
16 to the beginning of the deposition in terms of the
17 subject matter, but hopefully I won't be any more
18 repetitive than I need to.

19 You testified earlier about some telephone
20 calls that you had from your home on the night of
21 July 20, 1993?

22 A Right.

1 Q First with Mr. Imbordino and then with
2 Mr. Miller and then with Mr. Watkins; is that
3 correct?

4 A Correct.

5 Q Why was it that you wanted to call David
6 Watkins that night?

7 A Well, my office deals or dealt with his
8 office on a daily basis with a number of issues
9 concerning the things in the White House, and it was
10 nothing more than to offer condolences for the loss
11 of one of their staff members.

12 Q Had you become friendly with Mr. Watkins
13 during the first six months or so of the Clinton
14 Administration?

15 A Strictly on a professional basis.

16 Q You testified -- well, let me back up. You
17 said you had become friendly with Mr. Watkins on a
18 professional basis. Was he someone personally who
19 you dealt with on a daily basis during that time
20 period?

21 A Yes, that's correct.

22 Q Would you say as of July 1993, you were

1 familiar with the way in which -- the way he would
2 express what he was feeling, whether he was upset or
3 whether he was happy about something?

4 A Yeah, I would think so.

5 Q And you testified earlier that when you
6 spoke with Mr. Watkins on the night of July 20, 1993,
7 I think you used the word "upset" in describing his
8 demeanor; is that correct?

9 A Right.

10 Q Can you tell us what it was about
11 Mr. Watkins's demeanor that made you conclude that
12 Mr. Watkins was upset?

13 A Just his soft-spoken tone of voice. It
14 wasn't his normal tone of voice.

15 Q What was Mr. Watkins's normal tone of
16 voice?

17 A I don't know, I guess kind of like mine. I
18 mean, he's just kind of forthright and upbeat.

19 Q Was Mr. Watkins halting on the phone that
20 night?

21 A No.

22 Q Just quiet?

1 A Yes.

2 Q Did he appear to be crying?

3 A No, I don't recall that.

4 Q Would you say that Mr. Watkins was
5 extremely upset that night?

6 A No, I wouldn't say he was extremely upset,
7 but it was obvious that he was distraught over the
8 loss of a staff member.

9 Q Were you able to tell during your telephone
10 conversation with Mr. Watkins on July 20, 1993
11 whether he was with anyone, wherever it was that he
12 was?

13 A No.

14 Q Do you know what time that night, July 20,
15 1993, White House officials were first informed of
16 Mr. Foster's death?

17 A No, I don't. If I do, I don't recall it.

18 Q Are you aware of whether any United States
19 Park Police officials ever made a request to
20 White House or Secret Service officials on the night
21 of July 20, 1993 to secure Mr. Foster's office?

22 A I'm not aware of any request.

1 Q Is that a request that you would be likely
2 to be aware of had it been made?

3 A I would think had it been made, I would, at
4 the very least, have been made aware of it the
5 following morning when I arrived at work.

6 Q And the reason for that is what? Why would
7 you have been made aware at least the following
8 morning had that request been made on the night of
9 July 20th?

10 A My office works hand in hand with the
11 uniformed division and they normally make me aware of
12 anything that has gone on the night before or
13 anything that might be of any kind of special
14 interest whatsoever.

15 Q If a request from the United States Park
16 Police had been made directly to a White House
17 official on the night of July 20, 1993, do you expect
18 that you still would have been informed of that
19 request?

20 A Not that night. I'm not even made aware of
21 it as a normal course of business the following day.
22 Obviously, they're going to have to get into the

1 complex one way or another, so they're going to have
2 to pass a uniformed division post so the uniformed
3 division is going to be aware of it, of why they're
4 there.

5 Q I'm talking about a request from the Park
6 Police to either have the Secret Service or some
7 other White House personnel secure the office.

8 A Oh, I'm sorry. I'm not aware of any.

9 Q Just to clarify one point of your testimony
10 from earlier today, after your series of telephone
11 calls at home on the night of July 20, 1993, you did
12 not go to the White House that night, did you?

13 A No, I went to bed.

14 Q So you had no personal knowledge whatsoever
15 as to whether Mr. Nussbaum, Ms. Thomasson or
16 Ms. Williams went into Mr. Foster's office that
17 night?

18 A Absolutely none.

19 Q You testified a little bit earlier about
20 how you learned that a request had been made on July
21 21, 1993 to secure Mr. Foster's office?

22 A Right.

1 Q Can you tell us everything that you can
2 remember you learned either from the message slip, or
3 from the person whose name I can't remember you spoke
4 with, about what you were supposed to do or what the
5 Secret Service was supposed to do in terms of
6 securing the office?

7 A Well, as I previously stated, there were no
8 specific guidelines as to what we were to do. There
9 was just a request made through White House legal
10 counsel's office to our director's office and then
11 transferred down to the Presidential protective
12 division business office that they wanted a Secret
13 Service representative to secure Mr. Foster's
14 office. I was not given any specific direction or
15 guideline as to how that was to be done or we were to
16 restrict people from coming and going in that office.

17 Q I believe you testified earlier that when
18 Officer Macon relieved you, you did not tell Officer
19 Macon to prohibit the removal of items from
20 Mr. Foster's office?

21 A What I recall telling her was that we need
22 to maintain a log or information on anybody that goes

1 in the office and anything that they remove, and that
2 needs to be passed on to me, but I did not
3 specifically tell her, to the best of my
4 recollection, to prohibit people from coming and
5 going in that office.

6 Q I'm going to apologize for walking around,
7 but I only have one copy of this document. I'm going
8 to show you the chronology of events that you
9 testified about earlier that was in our documents as
10 number 6231 and 6232. Do you recognize this
11 document?

12 A Yes.

13 Q I think you testified earlier that you
14 prepared it?

15 A Yes.

16 Q I'd like to direct your attention to the
17 entry that's marked 11:05 a.m. on the first page,
18 6231. I'm just going to read it into the record and
19 correct me if I'm reading it inaccurately, but it
20 says "Officer Michelle Macon relieved ATSAIC Flynn
21 and was instructed to maintain a log of any persons
22 entering the office, to observe their actions, and

1 not to permit the removal of items." Is that what
2 it says?

3 A That's what it says.

4 Q And is that what you wrote?

5 A Yes.

6 Q Is this accurate, the portion of this
7 document that I just read?

8 A I would have to say it is, but like I said,
9 that's something I wrote shortly thereafter and we're
10 talking two years down the road, so that's certainly
11 more accurate than my recollection.

12 Q Is it your best recollection today that
13 back on July 21, 1993, you did tell Officer Macon not
14 to allow the removal of any items?

15 A That's correct. I'll recant what I had
16 earlier said.

17 Q And if you can remember, why did you tell
18 Officer Macon to prohibit the removal of items in
19 light of the fact, as you said, there weren't any
20 rules that were provided to you when you first got
21 this assignment?

22 A I don't recall specifically at this time

1 why I told her that.

2 Q Did you instruct Officer Macon to contact
3 you or any other superior officer in the event that
4 anyone wanted to remove items from the office?

5 A To the best of my recollection, I did not.
6 I told her I'd be back around later in the day to
7 talk to the officers who were holding the posts, but
8 I don't recall telling her to contact --

9 Q I have some questions about document number
10 6233, which your counsel has just put in front of
11 you. It's the log of persons entering Mr. Foster's
12 office?

13 A Correct.

14 Q To the best of your knowledge, did you
15 create this entire page at one time?

16 A Yes, I did.

17 Q I guess it's obvious --

18 A Actually, I could have started the page and
19 added to it. I can't specifically recall if I did it
20 all at one time or if I started the page and then the
21 following day added to it.

22 Q And your testimony is that the entries that

1 you made on this log all came from information that
2 you had on 3-by-5 cards that you had created at some
3 point during the days of July 21st and July 22nd?

4 A Correct.

5 Q Now, as you testified earlier and as the
6 document speaks for itself, the log for July 21
7 indicates on two occasions that people entered the
8 office, Mr. Nussbaum at 11:10 and Mr. Sloan at
9 6:34 p.m.

10 A Right.

11 Q Can you say with any certainty that no one
12 else entered the office, that this log is complete?

13 A It's based on what the officers told me who
14 were standing there.

15 Q Do you know for a fact that you spoke with
16 each of the Secret Service officers who was guarding
17 it that day?

18 A Yes, at some point throughout the day I
19 spoke with them.

20 Q So there's absolutely no chance that there
21 was an entry into Mr. Foster's office during the time
22 period shown on this log that is not indicated on the

1 log?

2 A Other than at around 5:00, two Secret
3 Service people came over to survey the door. They
4 did not go in the office. They opened the door,
5 looked at the door jam to determine what kind of a
6 lock needed to go on there.

7 Q Did the Secret Service officers who were
8 guarding Mr. Foster's office on July 21st keep
9 written records themselves?

10 A I don't recall that they did.

11 Q Do you know how it is, then, that the times
12 are so specific on your log? You would agree with me
13 that 6:34 p.m. is a specific time?

14 A Right.

15 Q Do you know how it is you got that specific
16 information?

17 A As I recall, I believe that officer did
18 have it written down.

19 Q That would have been Officer Chinery?

20 A Correct.

21 Q What about Officer Macon regarding the
22 11:10 a.m. entry for Mr. Nussbaum?

1 A I believe she just told me that, so that's
2 an approximate time.

3 Q Did you then go up to Mr. Foster's office
4 several times that day specifically to talk with each
5 guard, or did you have the guards come and report to
6 you after they got off duty?

7 A Not necessarily. When they came off, I
8 would make passes up through -- make passes up to the
9 office to see who was there and see if there was any
10 activity.

11 Q But you're sure you spoke to every guard
12 who guarded that office?

13 A I can't say with certainty that I spoke to
14 every one of them on that day. I know that if I
15 didn't, Dennis Martin did.

16 Q How do you know that?

17 A He's in charge of those folks, and I know
18 he was up and in and out of there quite frequently
19 checking and I can't say 100 percent that he did, but
20 I'm sure that he did.

21 Q In other words, you assume that Mr. Martin
22 did. You just don't know for a fact?

1 A Correct.

2 Q Mr. Johnson asked you some questions about
3 whether you remembered a burn bag being present in
4 Mr. Foster's office on July 22 at the time of the
5 search. Do you remember those questions?

6 A Right.

7 Q And I think it was your testimony that you
8 did not remember a burn bag present inside
9 Mr. Foster's office; is that correct?

10 A That's correct.

11 Q I believe you also testified something to
12 the effect that there should have been a burn bag
13 somewhere in the office suite at that time?

14 A Right.

15 Q And just to be clear, what you meant by
16 that was, in your opinion, there should have been a
17 burn bag somewhere within the White House counsel's
18 office suite?

19 A I thought of it after I said it, and I
20 should have clarified it, somewhere within those
21 three offices.

22 Q And just to be clear, there's no

1 significance necessarily, in your opinion, at least
2 to the fact that there was no burn bag present within
3 Mr. Foster's personal office; correct?

4 A That's correct.

5 Q During the search of Mr. Foster's office on
6 July 22, did you get a sense of how carefully
7 Mr. Nussbaum was actually looking at the various
8 papers and files before making determinations as to
9 which pile of documents to put specific documents in?

10 A He was leafing through the documents,
11 reading portions of some of them and making a
12 determination based on that.

13 Q In your view, did it seem like Mr. Nussbaum
14 was spending an appropriate amount of time on the
15 documents before making privileged determinations? I
16 realize you may feel like you're not an expert at
17 that.

18 A I'm not. He was reading them, reading
19 portions of them and determining which category they
20 should fit into, but he wasn't just simply doing
21 this. He was reading through and I think he
22 recognized some things on the face of looking at

1 them.

2 Q And just so the record is clear, when you
3 say Mr. Nussbaum wasn't doing just "this," what you
4 mean is Mr. Nussbaum was not simply leafing through
5 the documents without looking at them?

6 A Correct. I apologize.

7 Q Couple more questions about the briefcase.
8 Your recollection is that Mr. Nussbaum took items out
9 of the briefcase one time; is that correct?

10 A Yeah. He picked it up. He took items out
11 of it, and that's all I recall about that specific
12 aspect of it.

13 Q And at any later time during the search on
14 July 22nd, did Mr. Nussbaum pick up the briefcase
15 again?

16 A I don't recall.

17 Q Do you have any recollection of
18 Mr. Nussbaum looking inside the briefcase after he
19 removed the documents?

20 A I don't recall that either.

21 Q Were you paying attention while
22 Mr. Nussbaum was removing items from the briefcase?

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1 A About half, and the reason I was paying
2 about half attention is, obviously, this is not my
3 case. Otherwise, I might be able to give a lot more
4 articulate answers here.

5 Q Mr. Johnson asked you some questions about
6 an incident involving Scott Salter when he stood up
7 and looked toward Mr. Foster's desk during the search
8 on July 22nd, and I think you testified that one of
9 the White House officials made an offhand remark,
10 and, in your view, this whole thing has been
11 overblown. Is that accurate?

12 A I guess the way I could describe it was a
13 lighthearted wisecrack.

14 Q By a White House official?

15 A Right.

16 Q Was that Clifford Sloan? Does that refresh
17 your memory?

18 A I don't recall who it was.

19 Q Just to be clear, when you testified that
20 in your view this whole incident has been overblown,
21 do you mean that the whole incident has been
22 overblown by the Park Police officers or the FBI

1 agents?

2 A If I recall correctly, there was a
3 reference to it maybe in the paper or somewhere, and
4 I thought well, they've blown this out of proportion.

5 Q Because in your view the comment by the
6 White House official was no big deal?

7 A Right.

8 Q You testified earlier that Officer Abt was
9 not the person who told you that he had seen or that
10 anyone had seen Mr. Livingstone removing a box of
11 documents from the second floor of the west wing; is
12 that correct?

13 A That's correct.

14 Q Have you ever had any conversations with
15 Mr. Abt about the subject of whether Mr. Livingstone
16 removed documents?

17 A No, sir.

18 MR. KRAVITZ: I think that's all I've got.

19 MR. JOHNSON: I'm sure Mr. Kravitz will
20 join me in this. Thank you very much for your time
21 and cooperation. We are bound in this room by very
22 strict rules of confidentiality. I know that's part

1 of your career. We'd be grateful if you wouldn't
2 discuss this with anyone.

3 THE WITNESS: Yes, sir.

4 MR. JOHNSON: Thank you very much.

5 MR. KRAVITZ: Thank you.

6 THE WITNESS: You're welcome.

7 (Whereupon, at 4:57 p.m., the deposition
8 was concluded.)
9

10 -----
11 DONALD A. FLYNN
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CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

CHRONOLOGY OF EVENTS
REGARDING
THE SUICIDE OF MR. VINCENT FOSTER,
DEPUTY CHIEF, WHITE HOUSE LEGAL COUNSEL

ON JULY 21, 1993, ATSAIC DONALD A. FLYNN OF THE PRESIDENTIAL PROTECTIVE DIVISION, ACTING IN THE CAPACITY OF THE WHITE HOUSE SECURITY COORDINATOR BECAME INVOLVED IN THE SUICIDE INVESTIGATION OF THE ABOVE CAPTIONED SUBJECT. THE FOLLOWING IS A CHRONOLOGICAL SEQUENCE OF THE ACTIVITIES, ACTIONS, AND SUPPORT UNDERTAKEN AND PROVIDED BY THE SECRET SERVICE:

WEDNESDAY, JULY 21, 1993

10:00 AM ATSAIC FLYNN WAS INFORMED BY ASAIC PAUL IMBORDINO THAT TWO MEMBERS OF THE U.S. PARK POLICE (USPP) CRIMINAL INVESTIGATIONS DIVISION WERE COMING TO THE WEST WING OF THE WHITE HOUSE TO CONDUCT A SEARCH OF MR. FOSTER'S OFFICE IN AN EFFORT TO LOCATE A SUICIDE NOTE OR OTHER PERTINENT INFORMATION REVEALING A MOTIVE AS TO WHAT MAY HAVE PROVOKED HIM TO TAKE HIS OWN LIFE.

IMMEDIATELY THEREAFTER, ATSAIC FLYNN WAS INFORMED BY DSAIC DAVID CARPENTER THAT DIRECTOR MAGAW'S OFFICE HAD RECEIVED A TELEPHONE CALL FROM MS. LINDA TRIPP, A STAFF ASSISTANT IN THE OFFICE OF WHITE HOUSE LEGAL COUNSEL REQUESTING ASSISTANCE IN SECURING MR. FOSTER'S OFFICE.

10:20 AM ATSAIC FLYNN ASSUMED A SECURITY POST ON MR. FOSTER'S OFFICE. A REQUEST WAS MADE OF INSPECTOR DENNIS MARTIN UD/WHB TO PROVIDE OFFICERS TO MAINTAIN SECURITY OF THE OFFICE SPACE.

11:05 AM OFFICER MICHELLE MACON RELIEVED ATSAIC FLYNN AND WAS INSTRUCTED TO MAINTAIN A LOG OF ANY PERSONS ENTERING THE OFFICE, TO OBSERVE THEIR ACTIONS, AND NOT TO PERMIT THE REMOVAL OF ITEMS.

THE FOLLOWING UNIFORMED DIVISION OFFICERS ASSISTED WITH THIS SECURITY ASSIGNMENT:

JOE PHILLIPS
JIM YOUNG
ROBERT POIK
ROBERT ALMASY
BRENT CHINERY

1:10 PM INSPECTOR DENNIS MARTIN UD/WHB MET THE FOLLOWING

PERSONS AT THE SOUTHWEST GATE, AND ESCORTED THEM TO HIS OFFICE AWAITING APPROVAL FROM THE JUSTICE DEPARTMENT TO PROCEED TO MR. FOSTER'S OFFICE TO CONDUCT INTERVIEWS AND A SEARCH.

CAPTAIN CHARLES HUME (USPP)
DET. PETE MARKLAND (USPP)
SA SCOTT SALTER (FBI)
SA JOHN DANNA (FBI)

4:40 PM JUSTICE DEPARTMENT REPRESENTATIVES DAVID MARGOLIS AND ROGER ADAMS ARRIVED AT THE WEST WING OFFICE OF MR. NUSSBAUM TO DISCUSS THE FORMAT AND RESTRICTIONS TO BE APPLIED FOR THE SEARCH OF MR. FOSTER'S OFFICE.

MR. NUSSBAUM ANNOUNCED THAT THE SEARCH WOULD BE CONDUCTED ON JULY 22, 1993, AND THAT PER MR. RONALD NOBLE, THE ASSISTANT SECRETARY OF THE TREASURY IN CHARGE OF LAW ENFORCEMENT AND DIRECTOR JOHN MAGAW OF THE SECRET SERVICE, A ONE-OF-A-KIND LOCK WOULD BE PLACED ON THE OFFICE DOOR WITH THE ONLY KEY TO BE MAINTAINED BY ATSAIC FLYNN.

8:02 PM ATSAIC FLYNN RELIEVED THE UNIFORMED OFFICER CONTROLLING THE OFFICE DOOR. SS KEVIN ROBBINS AND MR. KENNETH BLAIR COMMENCED TO INSTALL THE AFOREMENTIONED LOCK AT THAT TIME.

10:32 PM THE LOCK INSTALLATION WAS COMPLETED AND THE DOOR SECURED BY ATSAIC FLYNN.

THURSDAY JULY 22, 1993

1:15 PM AT MR. NUSSBAUM'S REQUEST, ATSAIC FLYNN UNLOCKED MR. FOSTER'S OFFICE AND A SEARCH COMMENCED.

2:49 PM THE REVIEW WAS COMPLETED, AND MR. NUSSBAUM ADVISED THAT THE REQUIREMENT TO KEEP THE OFFICE SECURE WAS BEING REMOVED, AND OUR ASSISTANCE WAS NO LONGER NEEDED. THE KEYS TO THE LOCK WERE THEN GIVEN TO MR. NUSSBAUM BY ATSAIC FLYNN.

COMMUNICATION RECC

Log of Pines entering Mr. Finner's office

Wednesday July 21st 1993

- 11:00 Mr. Nussbaum Received a small piece of paper (see memo)
 with Cliff Sloan to replace a box of truck previously taken from Mr. Finner's
 Truck (see memo)
 8:00 Kenna Robbins, Kenneth Alon to place this lock on the door to
 Finner's office (see memo)
 10:00 Lock installed, door secured by Flynn

Thursday July 22nd 1993

- 1:00 Mr. Nussbaum spoke with Cliff Sloan, Bill Riven, Michael Spitzer,
 David Macaulay, Peter Adams, Greg Wilson, Dan, Peter Markland,
 Sam, Selma, Denise Gordon, Paul, John, etc. on Flynn
 2:00 Dismissed to city to see Mr. Nussbaum by
 Flynn

**DEPOSITION OF ROBERT H. HINES
IN RE: S. RES. 120**

WEDNESDAY, JUNE 21, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of ROBERT H. HINES, called for examination pursuant to notice of deposition, at 9:00 a.m. in Room 534 of the Dirksen Senate Office Building, before PATRICIA A. ZUBER, a Notary Public within and for the District of Columbia, when were present:

ROBERT J. GIUFFRA, JR., Esq.

Majority Chief Counsel

GLENN F. IVEY, Esq.

Minority Counsel

U.S. Senate

Committee on Banking, Housing, and Urban Affairs

534 Dirksen Building

Washington, DC 20510

On behalf of the Committee.

ALSO PRESENT: TRACY SWANN
DOUGLAS A. EPSTEIN

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EXHIBITS

DEPOSITION NUMBER	IDENTIFIED
Exhibit Z 450	28, 431
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P R O C E E D I N G S

MR. GIUFFRA: Major Hines, my name is Robert Giuffra. I'm the chief counsel of the Senate Banking Committee. To my left is Glenn Ivey who is the Democratic counsel.

This deposition is being conducted pursuant to Senate Resolution 120. This resolution, which I have in my hand and you can look at, establishes a special committee administered by the Banking Committee to conduct an investigation involving Whitewater Development Corporation, Madison Guaranty Savings & Loan Association, Capital Management Services, Inc., the Arkansas Development Finance Authority, and other related matters.

If you turn to the next page, right here, you will see that section I.B.1 of Senate Resolution 120 authorizes investigations and public hearings into "whether improper conduct occurred regarding the way in which Whitewater officials handled documents in the office of White House deputy counsel Vincent Foster following his death."

This particular part of the committee's

4

charge will be the focus of today's deposition. As you may know, you're requested to testify in an oral conversation that we had with the Interior Department on June 13th. This was confirmed by the following letter dated June 14, 1995 which I'll hand to you.

I understand you previously testified on July 25th, 1994. This deposition is in advance of public hearings in July, and there is some likelihood, although it's not a certainty, that you'll be asked to testify at those public hearings.

I will be asking you a series of questions today. You'll be testifying under oath. If at any time you don't understand a question, please let me know and I'll rephrase it. If at any point during the deposition you need a break, again let me know.

The stenographer will prepare a record of the questions and answers. The deposition will be treated as something called "committee confidential" until the commencement of the hearings, meaning that it will not be disclosed to the public or to the press, although at some later date it might become part of a record of the committee's proceedings, as

1 was the case last time.

2 You have a right to be represented by
3 counsel. I see that you're not represented by
4 counsel today, but to the extent that you want to
5 make an objection yourself, you can do so to either
6 relevance, being outside the scope of the resolution,
7 or on grounds of privilege.

8 The resolution specifies the procedure for
9 the conduct of depositions, and one of the things it
10 provides for is that if, in the event of an objection
11 on grounds of relevance, that the chairman of the
12 committee would rule on such objections.

13 You'll have an opportunity, after we're all
14 done -- several days later anyway -- to get to review
15 the transcript of the deposition, to correct any
16 errors in transcription. And I think, as I recall
17 last time you were very, very diligent about
18 correcting, correcting errors and you put in a typed
19 errata sheet, and, you know, we'd appreciate you
20 doing the same thing again.

21 Would you please swear the witness.

22 Whereupon,

1 ROBERT H. HINES

2 was called as a witness and, having first been duly
3 sworn, was examined and testified as follows:

4 EXAMINATION

5 BY MR. GIUFFRA:

6 Q Major Hines, would you please state your
7 full name for the record.

8 A My name is Major Robert Holt Hines.

9 Q And spelling of your last name?

10 A H-i-n-e-s.

11

12

13 Q And your present business address?

14 A My present business address is United
15 States Park Police Headquarters, 1100 Ohio Drive,
16 Southwest, Washington, D.C. 20242.

17 Q And your present position in the Park
18 Police?

19 A I am commander of the office of
20 inspection services in the office of the chief of
21 the United States Park Police.

22 Q And what was your rank on July 20, 1993?

1 A I was a major.

2 Q And what position were you holding then?

3 A I was commander of the office of
4 inspectional services.

5 Q So the same position you have right now?

6 A Yes, same position.

7 Q And what was your -- did you hold any other
8 positions in the Park Police prior to becoming a
9 major? Just go through your employment.

10 A As a major, I was commander of our criminal
11 investigation branch from 1985 until 1991.

12 Q So you would have been responsible for the
13 Park Police's investigation of homicides, suicides,
14 anything else?

15 A Any other crime.

16 Q Okay. So how many people would have
17 reported to you in that capacity?

18 A Through supervisory chain of command or
19 total people?

20 Q Let's do supervisory chain of command and
21 then we'll do total people. Let's do the first one.

22 A I had two lieutenants, a captain and five

1 sergeants and a total of about 40 investigators, ID
2 technicians and narcotics investigators.

3 Q And that would be the primary investigative
4 unit within the Park Police?

5 A That is our primary investigative unit.

6 Q And prior to holding that position, what
7 position did you hold?

8 A I was commander of the technical services
9 branch.

10 Q And what is the responsibility --

11 A That's responsible for communications,
12 fleet management, facility management and technical
13 support areas of the force, a support role for the
14 force.

15 Q And what was the period in which you held
16 that position?

17 A That was from February of 1985 until
18 November of 1985.

19 Q Okay. And then prior to holding that
20 position?

21 A I was a captain in charge of the audits and
22 evaluation unit.

1 Q And what does the audits and evaluation
2 unit do?

3 A Well, they're a subunit under the office of
4 inspectional services which I now command and they
5 conduct audits, conduct spot audits of imprest funds,
6 do evaluations of police procedures to make sure
7 we're abiding by our general orders and various other
8 things that the chief may deem them to look into.

9 Q And then prior to that position, what would
10 you have been before becoming captain?

11 A I was a lieutenant in the planning and
12 development unit.

13 Q And when would that have been? I know it
14 gets tough when you start --

15 A It would have been from 1978 until 1980.

16 Q And then prior to becoming being a
17 lieutenant?

18 A Well, as a lieutenant, I was the assistant
19 commander of the New York field office in Brooklyn,
20 New York.

21 Q And would you have had any responsibility
22 for criminal investigations?

10

1 A I did at that time.

2 Q And what sort of criminal investigation
3 would you have had at that point, the normal --

4 A Anything that we would here, except it's in
5 New York.

6 Q And then prior to being in New York?

7 A I was a supervisor and lieutenant in the
8 San Francisco field office.

9 Q And same sorts of responsibilities for
10 criminal investigation?

11 A Same types.

12 Q And then before coming to San Francisco,
13 where were you?

14 A I was a street supervisor of the George
15 Washington Memorial Parkway, sergeant.

16 Q And when would the time period of that have
17 been? You can be --

18 A Roughly 1974, '74, '73.

19 Q Okay. And then prior to holding that
20 position as a sergeant?

21 A '73 to '72 I was an investigator with our
22 criminal investigation branch.

1 Q And investigated all sorts of crimes?

2 A All sorts of crimes.

3 Q Homicides?

4 A Suicides, homicides, rapes, assaults, some
5 white-collar crimes.

6 Q And prior to holding that position?

7 A I was an instructor in our training branch.

8 Q That's usually my -- I'm usually the one
9 that speaks quickly.

10 (Discussion off the record.)

11 BY MR. GIUFFRA:

12 Q Prior to holding that position, now, you
13 were in the training unit; is that correct?

14 A I was an instructor in our training unit.

15 Q And for how long were you an instructor in
16 the training unit?

17 A Two years.

18 Q And that would have been when, the early
19 '70s approximately?

20 A Early '70s, '70 to '72.

21 Q Okay. And what sort of training would you
22 have been responsible for?

1 A General police procedures, courtroom
2 testimony, preliminary investigation, crowd control.

3 Q Would you have been -- would you have done
4 some training in homicide investigations?

5 A No, not at that time, only preliminary
6 investigations a uniform officer would do as a
7 uniform officer.

8 Q And then prior to holding that position --

9 A I was a patrol officer.

10 Q And would you have done any investigations
11 into homicides, suicides at that point?

12 A Only preliminary investigation, responding
13 to the scene, securing the scene, things like that.

14 Q Okay. And what was the time period in
15 which you were patrol officer?

16 A I entered the job in 1966, attended rookie
17 school in that time, and I was a patrol officer
18 basically '66 to 1970.

19 Q Okay. So you've been in the Park Police
20 from 1966 to the present?

21 A That's correct.

22 Q And you basically have worked your way up

1 the ranks?

2 A Right.

3 Q Are you aware of a letter dated May 26,
4 1995 from Chairman Alfonse D'Amato and Senator Paul
5 Sarbanes to Chief Langston requesting Park Police to
6 produce certain records to the special committee?

7 A Not the specific letter -- I'm aware of
8 this letter, yes.

9 Q Insofar as you know, has the Park Police
10 complied with this request for documents?

11 A As far as I know we have.

12 Q And have you turned over all records that
13 you might have relating to the death of Vincent
14 Foster to your counsel's office?

15 A Yes, we have.

16 Q And you have personally?

17 A Yes.

18 Q Okay. Now, prior to this deposition other
19 than counsel, have you spoken to anyone in
20 preparation for the deposition?

21 A Well, I just told the chief that we were
22 going to be deposed, and I have not spoken to anyone

14

1 else other than our counsel.

2 Q Did you discuss anything with the chief
3 about, regarding the nature of the deposition?

4 A I just told him that it was going to
5 concern matters that we did not address the last
6 time. I didn't know the scope of the whole thing at
7 the time, concerning the White House portion of our
8 investigation.

9 Q Other than in Congressional depositions,
10 hearings, or before a grand jury, have you spoken to
11 anyone regarding the Park Police's investigation,
12 outside of the Park Police, into the death of Vincent
13 Foster?

14 A We had conversations with the investigators
15 from Mr. Fiske's office.

16 Q Other than that?

17 A Oh. And Mr. Starr's office.

18 Q Other than that?

19 A No, I haven't.

20 Q Have you spoken to any reporters about -- I
21 guess you have in your capacity?

22 A Sure. Yes, I have spoken to reporters.

1 Q And have you continued to speak with
2 reporters up until the present?

3 A I try not to, but you know the nature of
4 reporters, the nature of the American press,
5 basically they get the facts of the case that's been
6 known, same thing over and over. They get the same
7 answers from me over and over.

8 Q Anyone other than reporters' --

9 A No.

10 Q -- press inquiries?

11 A No.

12 Q It's my understanding you are responsible
13 for responding to press inquiries for the Park
14 Police?

15 A True.

16 Q Let me show you a letter. It's a
17 preliminary -- this is a letter June 6, 1995 from
18 Independent Counsel Kenneth Starr to Chairman D'Amato
19 and Senator Sarbanes. This letter states that "at
20 this point the independent counsel's investigation
21 will not be impeded by the committee's plan to
22 interview and/or depose witnesses concerning," and it

1 lists a number of issues. And the first issue it
2 lists, "the way in which White House officials
3 handled documents in the office of Vincent Foster at
4 the time of his death."

5 As you may recall when you were deposed the
6 last time, those were the matters that we did not go
7 into because of the agreement the committee had
8 reached with Mr. Fiske.

9 A Sure.

10 Q And I just wanted to let you see that
11 letter so you feel comfortable. Okay. You've
12 already testified that on July 20, 1993 you were in
13 charge of the office of inspectional services. What
14 are the responsibilities of the -- your
15 responsibilities as head of the office of
16 inspectional services?

17 A Well, my office is physically located in
18 the office of the chief. I sit between the chief and
19 the assistant chief. I have several subunits that
20 work for me. The planning and development unit,
21 which does all the research and planning about police
22 procedures, and maintains the force library and

1 things like this. I have the audit and evaluation
2 unit which conducts --

3 Q One second. Police procedures. Are you
4 responsible for training for the entire Park Police?

5 A No, I'm not. We do the policy formulations
6 in certain procedures but we're not responsible for
7 training.

8 Q Okay. Go ahead.

9 A The audit and evaluations unit which I've
10 explained before, I commanded, which conducts audits
11 and conducts evaluations of operational procedures to
12 insure that we are complying with our general orders
13 and laws and regulations.

14 The internal affairs unit is an
15 investigative unit which investigates police
16 misbehavior, police complaints. And the security
17 detail for the Secretary of the Interior is also
18 under my command.

19 In addition to that, I am responsible for
20 media relations, and I serve more or less as a chief
21 of staff of the chief and his staff.

22 Q At that point, which would be July 20,

1 1993, who would have reported to you directly?

2 A I think that I had -- the subunit
3 commanders of each one of these units.

4 Q Okay.

5 A At that time I had Captain Van Horn
6 reporting to me from planning and development. I had
7 Captain Valerie Fernandes reporting to me from audits
8 and evaluation. Lieutenant -- I don't recall -- we
9 have had some changes in command during that time so
10 I may have some names missing but Lieutenant Webber
11 reported to me from internal affairs and Lieutenant
12 Lynch reported to me from the secretary of security
13 detail.

14 Q Last name?

15 A Lynch.

16 Q His first name was?

17 A Bill Lynch.

18 Q Would he be responsible for coordinating
19 the security that the Secretary of the Interior would
20 have?

21 A Yes, he would.

22 Q Does he have any other responsibilities in

1 terms of acting as a liaison with the Secretary of
2 the Interior or the secretary's office and the Park
3 Police?

4 A Only informal responsibilities. His
5 primary function is security of the secretary or any
6 other dignitary the secretary may ask us to provide
7 security for.

8 Q Have you had any discussions with Mr. Lynch
9 about the death of Vincent Foster?

10 A No -- well, let me correct that. Let me
11 correct that.

12 Any discussions with him would have been
13 just talk in the office about the death of Vincent
14 Foster, nothing substantial about how the
15 investigation was going or anything like that. It's
16 not in his sphere of duties.

17 Q So he hasn't, for example, acted as a
18 liaison with the secretary's office with regard to
19 the death of Vincent Foster?

20 A Only if we ask him to assist us in setting
21 up a meeting or finding out if somebody was on the
22 calendar.

20

1 Q He hasn't done that?

2 A No.

3 Q Just a couple of more preliminary
4 questions. With regard to the audit and evaluation
5 of operational procedures part of your job
6 responsibilities, has that unit done anything
7 differently or had any role in the Foster
8 investigation?

9 A None whatever.

10 Q Internal affairs?

11 A None whatsoever -- oh, internal affairs,
12 yes, one of the members of the internal affairs also
13 handled Freedom of Information Act requests. And a
14 lot of the Freedom of Information Act requests would
15 go, would funnel through internal affairs. That's
16 one of the functions of my job also.

17 Q In terms of policy formulation or police
18 procedures, have those changed at all as a result of
19 the death of Vincent Foster?

20 A No.

21 Q What is the relationship of the Park Police
22 to the Interior Department?

1 A The Park Police is a subunit within the
2 National Park Service, which the National Park
3 Service is a unit within the Department of the
4 Interior. They are considered a bureau within the
5 Department of the Interior.

6 Q What would be the frequency of contact
7 between the -- say, Chief Langston or yourself and
8 the secretary or the secretary's office?

9 A Well, as we said our contact with the
10 secretary's office primarily is in security matters.
11 I usually have contact with them more frequently than
12 Chief Langston. He may have contact with them on
13 other matters that I'm sometimes not even privy to.

14 My contact is primarily about security
15 matters having to do with the secretary, and I do
16 have contact with the secretary's office, usually
17 through the commander of that unit.

18 Q Other than with regard to security, how
19 regular would the contacts be with the secretary's
20 office?

21 A Very infrequently.

22 Q Do you know a Mr. Tom Collier?

1 A Yes, I do.

2 Q And what is his position?

3 A He was the chief of staff of the Secretary
4 of Interior, to the Secretary Bruce Babbitt.

5 Q And other than in connection with the death
6 of Vincent Foster, have you ever had any other
7 contacts with -- let me strike those questions.

8 Did you have any contacts with Tom Collier
9 in connection with the investigation of the death of
10 Vincent Foster?

11 A Yes, I did.

12 Q Other than contacts you had with Collier
13 with regard to Vincent Foster's death, have you ever
14 had any other contacts with Collier?

15 A Occasionally regarding -- regarding
16 security matters, security detail.

17 Q Okay. What I'd like to do now is just sort
18 of go through the relevant event, in fairly
19 chronological order, and maybe come back to some of
20 these other points.

21 Now, am I correct that Vincent Foster's
22 body was discovered in Fort Marcy Park on July 20,

1 1993?

2 A That's true.

3 Q Okay. When and how -- when did you become
4 aware of the death of Foster?

5 A I became aware of the death of Vincent
6 Foster on July the 20th at approximately 2145, or
7 9:45 in the evening.

8 Q And where were you at that point?

9 A I was at my home.

10 Q And how did you become aware of the death
11 of Foster?

12 A The field commander called me and notified
13 me of the suicide, and described the person, and said
14 that his name was Vincent Foster and that he was a
15 White House employee.

16 Q Did he say that he was deputy White House
17 counsel at that point?

18 A You know, I don't remember. He did say
19 that he was a relatively high ranking White House
20 official.

21 Q And was it Lieutenant Gavin --

22 A It was Lieutenant Gavin.

1 Q And what is Lieutenant Gavin's
2 responsibilities?

3 A He was the field commander that night.

4 Q Do you know whether Lieutenant Gavin was
5 the person who contacted the White House and informed
6 them of Foster's death, or the Secret Service or
7 whether it was someone else?

8 A Well, I think it was Lieutenant Gavin. I
9 think he was one of them that contacted them when
10 they found out that it was a White House employee.

11 Q Do you know if Rolla, Investigator Rolla
12 might have called?

13 A He might have. I don't remember.

14 Q Do you recall anything else about your
15 conversation with Lieutenant Gavin in which he
16 informed you of Foster's death?

17 A Well, he told me of a person's name at the
18 White House and gave me the number to call. A
19 Mr. Bill Burton who is the -- was the deputy chief of
20 staff of the White House.

21 Q And do you recall anything else about the
22 conversation?

1 A No, I don't.

2 Q Do you recall any discussion of a need to
3 seal Foster's White House office?

4 A Not at that time. Not with Lieutenant
5 Gavin. Lieutenant Gavin just basically explained
6 that it was an apparent suicide from the preliminary
7 investigation and what the investigators had told him
8 at the scene. But I did not discuss closing,
9 securing the office with Lieutenant Gavin at all.

10 Q Now, did Lieutenant Gavin ask you to call
11 Mr. Burton?

12 A We had some discussion about some contact.
13 The reason he was calling me is because of my role as
14 a public information officer and that he sometimes
15 would call me at other times because of our
16 relationship over the years. And we decided that I
17 should make the call more for protocol than anything
18 because this guy was a relatively high-ranking
19 person. I did not know Vincent Foster at that time
20 or who he was until I called Mr. Burton.

21 Q And did there come a time at which you
22 called Mr. Burton that evening?

1 A Yes, I did.

2 Q Could you describe that conversation for
3 the record?

4 A Well, basically I called him and told him
5 who I was and that I worked in the office of the
6 chief and what my position was and that I understood
7 that Mr. Foster, that he was a high -- he told me his
8 exact position, that he was deputy chief counsel and
9 filled me in on some background, that he was a
10 boyhood friend of the President and that they were
11 very close.

12 Q That's Foster who is a boyhood friend?

13 A Yes.

14 Q Not Burton?

15 A No, Foster. And our conversation lasted
16 about 10 minutes and was over those matters. At some
17 point in time -- and I'm not sure exactly how it
18 evolved. I think it was in a secondary call. I
19 think there were two calls to Mr. Burton -- we
20 discussed how we would handle the press and what our
21 normal procedure was. And I told him that we would
22 prepare a very short press release, and that we would

1 note that if -- you know, the name would be withheld
2 until next of kin had been notified because he had
3 told me about Mr. Foster's mother being ill, and they
4 knew when it hit the press, they didn't want her to
5 wake up in the morning and hear it on the radio. So
6 they wanted to have time to personally notify her.
7 So we agreed that we would issue a press release and
8 withhold the name.

9 Q Let me ask you the telephone number,
10 619-73050, is that your office number?

11 A 619-7350 is my office number.

12 Q 7350?

13 A 7350.

14 Q Yes. 619-7350?

15 A Uh-huh.

16 Q I'd like to show you a document which we'll
17 mark as Exhibit Z 450. This is a document that was
18 produced to the Senate committee by the White House
19 and it's been represented by the White House to be
20 notes of Mr. Bill Burton.

21 I'll just show you these notes and see if
22 they refresh your recollection at all about

1 conversation that you might have had with Mr. Burton
2 that night. You're mentioned right here, it says
3 "Major Hines." Take your time.

4 (Exhibit Z 450 identified.)

5 (Witness reviewed the document.)

6 THE WITNESS: There's a couple words I
7 can't decipher here.

8 BY MR. GIUFFRA:

9 Q Yeah, my question is do you recall in the
10 conversation the night of the 20th discussing the
11 need to seal Foster's office?

12 A Yes, I do.

13 Q Okay. So it's your recollection and
14 testimony that in that first conversation you had
15 with Burton you asked him to secure the office?

16 A Yes, I did.

17 Q Okay. Could you describe for the record
18 what you remember about that conversation?

19 A Well, if I remember, Mr. Burton was on the
20 phone, I could tell that he was speaking in a tone of
21 voice where this was very upsetting. This event had
22 apparently shocked the whole White House. And in the

1 conversation, I said we will be conducting an
2 investigation and I told him a little bit, in that I
3 would be available to brief the staff the next day
4 about how we would normally go about the
5 investigation of a suicide.

6 And one of the things we would need to do
7 is look into his office for any evidence of motive
8 that we might find for a suicide, like a suicide note
9 or any other items. We have a certain protocol,
10 investigation of suicide that we look for. And I
11 told him that we would need to have his office
12 secured for those reasons.

13 Q And did he say to you that he would secure
14 the office?

15 A You know, I don't recall. If I remember
16 correctly, I don't think -- I think -- I don't think
17 I got a response. I really don't remember whether he
18 said yes, okay. If he did -- he didn't repeat I will
19 make sure that his office is secure. I just don't
20 remember how he acknowledged me.

21 Q On the night of the 20th after you got off
22 the phone with Burton, do you recall making any other

30

1 phone calls?

2 A At some time, I did talk to the field
3 commander again, Lieutenant Gavin, about the press
4 release which he knows how to complete one and fill
5 it out, and that we would not release the name of
6 Mr. Foster. And I told him the reasons for it, for
7 that, that I'd agreed with Mr. Burton.

8 Q Because of upsetting the -- Foster's
9 mother?

10 A Mr. Foster's mother in Hope, Arkansas, yes.

11 Q Do you recall any discussion, any other
12 discussion on the night of the 20th with regard to
13 the need to seal the office?

14 A No, only my conversation with Mr. Burton.

15 Q And you can't remember whether he said yes
16 or no?

17 A I cannot remember.

18 Q What does it mean to secure an office to
19 you?

20 A To me it means that the door should be
21 locked. No one should be entering the office and
22 that everything should remain as is in the office

1 until we have searched it.

2 Q Now, you previously testified that there
3 might be evidence with regard to the decedent's state
4 of mind at the office?

5 A Sure.

6 Q You might look for a suicide note?

7 A Suicide note.

8 Q A diary?

9 A A diary.

10 Q If the decedent was involved in some
11 wrongdoing, you might want to know about that?

12 A We might find that out in the office also.

13 Q You might want to determine the decedent's
14 movements in the last hours of his life?

15 A We'd like to know that, yes.

16 Q By looking at a calendar, for example?

17 A True.

18 Q Does the positioning of the papers on the
19 person's desk have any relevance in a suicide
20 investigation or a homicide investigation, meaning
21 that if the office is neat versus papers all over the
22 desk?

1 A That would only have relevance if we knew
2 what his work habits were. For instance, people who
3 suddenly decide to suicide will change, their sleep
4 patterns will change. If they are a person that
5 slept a lot they might sleep less; if they're a light
6 sleeper, got away with two, three hours a night, they
7 might sleep more. That might be a theme. If he was
8 a neat methodical person, they might become very
9 junky and haphazard about how they kept their desk.
10 There would be a change. To determine that, we would
11 have to determine what he was like prior.

12 Q But you --

13 A So it may or may not have any relevance how
14 scattered out the desk was.

15 Q You would want to have the papers in the
16 office maintained as they were when the decedent left
17 the office?

18 A Yes, we would.

19 Q And you would not want a secretary to come
20 in and straighten the office?

21 A No, we wouldn't.

22 Q And again, that would be because that would

1 contaminate the evidence?

2 A Yes, it would.

3 Q And it would impede your investigation in
4 some way?

5 A It could, yes.

6 Q Let me ask you a couple more background
7 experience questions. In the conversation you had
8 with Burton, you know, you knew to ask him to secure
9 the office. Is that a standard procedure in the Park
10 Police or just good police work?

11 A It's good police work. It should be
12 standard. Everybody makes mistakes from time to time
13 but it's good police work. It should be done. It
14 should be requested.

15 Q And why is that?

16 A To secure the office? So, because if we
17 determine at any time in the investigation, there may
18 be wrongdoing that could become part of a crime
19 scene, you know, if something says hey, this may be a
20 homicide, then the office could be considered a crime
21 scene. So it's just good police work to have things
22 kind of sterile and left as they were.

1 Q Have you ever requested an office to be
2 secured in another type of either a homicide or a
3 suicide investigation that you can recall?

4 A No, because I've never had a need to. The
5 evidence I would find elsewhere. But it's standard
6 textbook procedure. And we have had investigations
7 where we did have to secure houses, rooms, things
8 like this in other types of crimes.

9 Q In this particular case you thought because
10 you were dealing with a high government official, it
11 might be important to seal the office?

12 A Well, had he had an office on K Street, we
13 would probably ask the same thing if we thought that
14 would be relevant, or if he was an insurance
15 salesman, we may want to look in his office.

16 Q Or a lawyer?

17 A Sure.

18 Q Or, say, a United States Senator, if a
19 United States Senator was found dead in Fort Marcy
20 Park, would you want to secure his office?

21 A Yes, I would.

22 Q Or if a corporate executive was found dead?

1 A Yes, I would.

2 Q All right. We know that Vincent Foster
3 died from a gunshot?

4 A Yes.

5 Q And this was not a death from natural
6 causes. I believe in your prior deposition you
7 discussed how it's standard procedure in cases such
8 as this to conduct a death investigation. What is a
9 death investigation?

10 A Well, anybody that's found dead in a park
11 or we have to investigate in most police
12 jurisdictions, all that I know of, there is an
13 investigation as to the cause of death. So we go
14 through procedures to make sure it's natural causes
15 or unnatural causes, which usually the autopsy is one
16 of the key elements in that. So every death is
17 investigated in most police jurisdictions.

18 Q And the investigation in a case where
19 someone died from a gunshot wound obviously, would
20 that take longer than, say, when someone was found in
21 their bed and they were elderly?

22 A That's true. You know, if someone dies of

1 natural causes and they're elderly, you have to think
2 that it's probably natural causes; and there's a
3 death report taken and that's just filling in the
4 blanks and things like this.

5 Q I believe when you testified previously to
6 the committee, you testified that Foster's death was
7 an apparent suicide?

8 A Yes.

9 Q But that you had to approach it and conduct
10 the investigation as if it were, could be, as if it
11 could be --

12 A Could be a homicide, yes.

13 Q And again why was that?

14 A Because it could be. Sometimes people
15 may -- in our training we have learned that sometimes
16 people will stage a suicide when it's actually a
17 homicide. Same token, they stage a homicide when it
18 was actually a suicide oftentimes. So we have to
19 approach all of them as a wrongful death.

20 But there are so many things that we look
21 for that tells us right away that it's probably a
22 suicide. One would be the presence of a weapon on

1 the scene and in his hand would be one. Some
2 people's suicide we have what we call cadaver spasm
3 where the gun is tightened. Sometimes because they
4 may live a little bit, the gun may be thrown away.
5 So that may or may not be relevant.

6 We have to determine -- each case is
7 different. Every crime scene is different. In
8 Mr. Foster's case the gun was still in his hand, the
9 thumb was stuck between the trigger and his trigger
10 guard.

11 Q How many suicides have you investigated in
12 your career roughly?

13 A Counting people jumping, shooting, and
14 counting being on the scene as an officer securing
15 it?

16 Q Grand total.

17 A I really didn't keep count.

18 Q Roughly?

19 A Oh, probably three, four dozen.

20 Q Now, I show you a document which we'll mark
21 as Park Police 14. Let me just show you this
22 document.

1 (Exhibit PP 14 identified.)

2 (Recess.)

3 BY MR. GIUFFRA:

4 Q Major Hines, what is this document?

5 A Well, this is called a 1044 which is a
6 supplemental criminal incident record, and it says
7 the synopsis and conclusion. And it's very short and
8 it basically is a summary, very brief summary of what
9 we believe would be the cause of death. And it was a
10 suicide and it should close this case out for us.

11 Q It's difficult to read. It appears to have
12 been written on August 5th, 1993?

13 A Yes.

14 Q And Mr. Foster died on July 20, 1993?

15 A Uh-huh.

16 Q So the Park Police conducted -- and that
17 was a yes?

18 A That's right, yes.

19 Q The Park Police conducted approximately an
20 investigation of about two weeks before issuing its
21 final report?

22 A That's correct.

1 Q And in that two-week period, the Park
2 Police sought evidence to confirm its initial
3 suspicion that Foster had died from a suicide?

4 A Yes.

5 Q And during that entire period this would
6 have been treated as a death investigation --

7 A That's true.

8 Q -- in which there was a possibility of a
9 homicide, you don't rule it out until you issue your
10 report?

11 A Until we're fairly sure, that we don't
12 think it's a homicide based on the information we
13 have at that time.

14 Q In your prior deposition, you testified
15 that you did not rule out Foster's death being a
16 homicide until -- it's at page 38 -- until July the
17 26th or 27th. It's right there.

18 MR. IVEY: What page are you on?

19 THE WITNESS: It's page 1198.

20 MR. GIUFFRA: Depo page 38.

21 THE WITNESS: I think, if I remember on
22 that, that was in our discussion, and this was, that

40

1 was even a week before the Markland synopsis. This
2 was after we had, after the conduct of the interview
3 with Ms. Foster. I think that's when we could say
4 for sure based on what we learned from her, based on
5 the autopsy, based on the scene and what we knew
6 about Mr. Foster that it was a suicide.

7 BY MR. GIUFFRA:

8 Q But it took about a week for you to make
9 that judgment, where you could feel comfortable and
10 rule out a homicide?

11 A Yes.

12 Q So those first seven days you treated this
13 as a homicide investigation?

14 A It should have been, yes.

15 Q That would be standard Park Police
16 procedure?

17 A As far as I'm concerned, yes.

18 Q And that's something that people are
19 trained --

20 A Yes.

21 Q -- to do?

22 A It's a death investigation, always leaving

1 open the possibility of a homicide and we go through
2 the steps that we normally would in a homicide
3 investigation.

4 Q Because again, there's the risk that
5 sometimes a homicide is set up as a suicide as a
6 distraction?

7 A That's true, but historically just the
8 opposite is usually the case. Suicides are often
9 made to look like homicides. I mean it could be
10 that, but the truth of the matter, when you start
11 looking at most of the suicides, most of them, most
12 people don't want to let people know they're suicides
13 so they may kill themselves and make it look like a
14 homicide. And that's a textbook answer and textbooks
15 will bear that out. So it's just vice versa what
16 some of the news media are saying right now.

17 Q Okay.

18 MR. IVEY: As is often the case.

19 BY MR. GIUFFRA:

20 Q Okay. Now, let's go back to the events.
21 On the morning of July 21st, you spoke with Chief
22 Langston, I believe?

1 A Yes, I did.

2 Q Is that the first thing you did in the
3 morning?

4 A Normally it's one of the first things I do
5 every morning.

6 Q Did you speak to anyone else about --
7 strike that question.

8 Did you speak to Chief Langston about
9 Foster's -- Foster being found in Fort Marcy Park?

10 A Yes, I did.

11 Q That was the first thing you talked about?

12 A Yes, I did.

13 Q And that would have been a high priority
14 item?

15 A Yes, it was the first thing we talked
16 about.

17 Q And that would have been a high priority
18 item?

19 A Yes, it was.

20 Q Did you speak to anyone else that morning?

21 A At some time during the morning we got a
22 call from the White House, concerning, that they

1 would like for us to brief some White House staff
2 members. I told the chief that I had talked to
3 Mr. Burton the night before and informed him that we
4 could do that.

5 This was mostly a courtesy call or protocol
6 to let them know that our investigators would
7 probably be talking with some White House staff
8 members, things like that.

9 Q Do you recall your discussion with the
10 chief, the initial discussion?

11 A Only that I told him who Vince Foster was,
12 the position he held in the White House and the fact
13 that he was a childhood friend of the President.

14 Q Did you speak to anyone in the Interior
15 Department that morning?

16 A Oh, no.

17 Q You did not speak to Collier?

18 A No.

19 Q And as far as you know, did the chief speak
20 to Collier or anyone in Interior?

21 A I do not know if the chief spoke to
22 Collier, but I did not.

1 Q Did you speak to any of the other officers
2 who were involved in the Foster investigation that
3 morning?

4 A Not that morning, no.

5 Q Didn't speak to Sergeant Braun?

6 A No, I did not.

7 Q Or Investigator Collier?

8 A No, I didn't.

9 Q Basically just reviewed the reports that
10 they had prepared?

11 A That's correct.

12 MR. IVEY: Did you mean Investigator
13 Rolla?

14 MR. GIUFFRA: Yeah, R-o-l-l-a.

15 BY MR. GIUFFRA:

16 Q Any discussion with the chief about sealing
17 the office?

18 A No, I did not, that I recall.

19 Q When was the first time you heard that
20 Sergeant Braun had asked the office to be sealed?

21 A I think later on, a couple days, I talked
22 to her and she said she had asked it to be sealed. I

10 think previously I've testified that I knew that an
11 investigator would have asked that to be done.
12 That's just one of the things they do or they should
13 have done.

14 Q Do you recall whether she said that the
15 White House official with whom she spoke had agreed
16 to seal the office?

17 A She did tell me that, and that was a couple
18 days later during casual conversation.

10 Q Did she mention the name of the White House
11 official?

12 A She did. Dave Watkins.
13 She did. It was David Watkins.

14 Q Do you recall who it was who called you and
15 asked you to conduct the briefing over at the White
16 House?

17 A I really don't recall who called. I don't
18 think it was Mr. Burton that particular morning, but
19 the night before I had offered that, that we would
20 brief them on what we had so far, on what we knew so
21 far.

22 Q Okay. And who attended the briefing from

1 the Park Police?

2 A Chief Langston and I.

3 Q Do you recall the time of the meeting?

4 A I believe it was 10:00 in the morning.

5 Q And it was at the White House?

6 A It was at the White House.

7 Q Do you recall who was present at the
8 meeting?

9 A There were several people present.

10 Q Do you recall whose office it was in?

11 A It was in Mr. Watkins's office.

12 Q David Watkins. Could you recall if
13 Mr. Nussbaum was there?

14 A Yes, Mr. Nussbaum was there.

15 Q Do you recall if Mr. Stephanopoulos was
16 there?

17 A Yes, he was there, he was standing in the
18 door. I was sitting down addressing the crowd and he
19 was one of those standing in the door.

20 Q Do you recall if a Webster Hubbell was
21 present?

22 A Yes, he was there.

1 Q Do you recall if Mr. Watkins was present,
2 David Watkins?

3 A Yes, he was there. It was his office, he
4 was sitting at his desk.

5 Q Do you recall if a Mr. Kennedy was present?

6 A He was there.

7 Q Do you recall if there were any Secret
8 Service agents present?

9 A I think there might have been a Secret
10 Service agent or a uniformed division officer in
11 plain clothes there.

12 Q Do you recall someone by the name of Don
13 Flynn?

14 A No, I do not.

15 Q Arnie Cole?

16 A No, I do not.

17 Q And what do you -- describe -- what do you
18 recall about that briefing?

19 A I was impressed that the office was
20 relatively small, of Mr. Watkins's office, and that
21 there was a lot of us crowded into the office. I
22 would say 16, 17, 18 people, some were standing in

1 the wings like this. I requested -- I recall a lot
2 of people being in a state of shock, to me having
3 made several notifications and talked to people who
4 have had close friends died, various ways that they
5 had, apparent shock of losing a co-worker or friend.

6 Q Do you recall telling the White House
7 officials that you would approach all death
8 investigations as a possible homicide?

9 A Yes, I did.

10 Q Do you recall anything more on that
11 subject?

12 A I explained the process, that we would
13 approach this as a death investigation, normal death
14 investigation, we left open the options that it could
15 be a suicide. I explained to them that the scene --

16 Q Or it could be a homicide?

17 A Or it could be a homicide. That the scene
18 was usually overpowering and that some of the things
19 we found at the scene was indicative of a suicide, of
20 apparent suicide. To prove that, we had to find his
21 motive for suicide, his state of mind and what
22 reasons he would have to suicide and it was like a

1 two-sided coin.

2 Once we found those things, we would find
3 that there was also a lack of evidence or information
4 to indicate that he might have been the victim of
5 foul play. So if we find his state of mind and any
6 other motive he may have for a suicide, to take his
7 own life coupled with the scene, would lead us to
8 believe our conclusion and find that it was a
9 suicide.

10 Q Do you recall any discussion that morning
11 of the need to seal the office?

12 A Yes, I do.

13 Q Please tell us what you recall.

14 A In the conversation I told them several
15 things we needed to do. We needed to get in his
16 office and look into his office to see if we had a
17 suicide note or if there was any other indication
18 that he might have reason to suicide. And someone
19 said like what, and I said like, for instance, we
20 will look at, if we can determine any financial
21 difficulties he may be having because that's one of
22 the leading causes of suicide among males, is that

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1 they have financial difficulties, especially if
2 they're not expected to have financial difficulties
3 and they do, they sometimes suicide to avoid that, or
4 any other reasons that might be indicative that he
5 would want to take his own life.

6 Q And you were the one who made this
7 presentation --

8 A Yes, I did.

9 Q -- about the need to seal the office?

10 A Yes.

11 Q What was the reaction of the White House
12 officials?

13 A There was no reaction at that time. I
14 thought it was in agreement that they would secure
15 the office and later Mr. Nussbaum did tell me that he
16 was going to post somebody at the office door which I
17 was surprised. I thought it had already been done.

18 Q And why did you think it had already been
19 done?

20 A Because I had talked to Mr. Burton the
21 night before and I knew it was a normal procedure
22 that our investigators would ask the Secret Service

1 to do.

2 Q Did Nussbaum say anything about documents
3 being looked at by anyone at the White House?

4 A Not at that time.

5 Q Did he say anything about anyone looking
6 for a suicide note on the night of Foster's death?

7 A I don't recall.

8 Q Did he say anything that led you to think
9 that there had been people going into Foster's
10 office?

11 A Not in this meeting.

12 Q Did anyone in that room?

13 A No.

14 Q So as far as you thought, at least at that
15 point, did you think the office had been secured?

16 A I thought the office had been secured, no
17 one had been in the office.

18 Q And did anyone at the White House say
19 anything that led you to think otherwise?

20 A Only when Mr. Nussbaum told me that he was
21 going to have the office posted which means that
22 they're going to post somebody there to see who goes

1 in and out of the office and it is secured. I was
2 under the assumption it had already been secured.

3 Q Do you recall any further discussion about
4 the need to secure the office?

5 A No.

6 Q Did anyone at that meeting say -- did you
7 discuss the need for the Park Police to look through
8 some of the papers in Foster's office?

9 A I said that we would look for a suicide
10 note or any evidence of financial difficulties, and
11 items like that, or anything that may lead us to
12 believe, like a diary or phone log or something like
13 that, that we would be looking for to see if he
14 committed suicide.

15 Q Did anyone object to letting the Park
16 Police look at --

17 A Not at that time.

18 Q -- those types of documents?

19 A Not at that time.

20 Q And did Mr. Stephanopoulos say anything
21 about the need to conduct this investigation in
22 accordance with normal procedures?

23

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1 A Yes. At one point, near the end of the
2 briefing, when we told them the facts we knew about
3 the case and told them what we needed to do, how we
4 would normally go through an investigation of a
5 suicide or a death and what we needed to do,
6 Mr. Nussbaum said that he thought everything should
7 be coordinated through the AG, and said that he would
8 call -- he'd call somebody, I didn't know who he was
9 going to call.

10 Q Did he give a reason for that, for wanting
11 to coordinate through the AG?

12 A No, I don't know what his reason was.

13 Q He just said we think it should go through
14 the AG?

15 A He said we should coordinate it with the
16 AG, that was the words he used. He didn't say turn
17 it over to the AG, he said the AG should coordinate.
18 At some point after that, I believe
19 Mr. Stephanopoulos made a remark that the only advice
20 that he would give is that we handle this whole
21 matter as it would routinely be handled as a police
22 investigation.

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1 Q Do you think that was good advice?

2 A I think it was excellent advice.

3 Q Did Nussbaum say anything more about
4 coordinating through the Attorney General?

5 A Not at that meeting, not that I recall.

6 Q Would it be highly unusual to coordinate a
7 death investigation through the Attorney General?

8 A Normally, yes, it would be. However, when
9 he said that it didn't really take me -- I mean I
10 wasn't really -- let me rephrase it.

11 I was not upset that he said that because I
12 perceived when he said through the Attorney General's
13 office that they would call the SAC of the FBI and
14 that we would work with the FBI on that case because
15 of the position that Mr. Foster had had held at the
16 White House.

17 That was not upsetting to me because we
18 work for the FBI every day on numerous types of cases
19 so I didn't find that -- I just thought it's not what
20 we routinely do and that will be the drill for this
21 investigation.

22 Q Do you previously recall testifying that

1 you said it was highly unusual, though, to coordinate
2 through the FBI?

3 A It is --

4 Q Excuse me. Through the Department of
5 Justice.

6 A Yes, and even the FBI would not get
7 involved in a normal suicide like this.

8 Q Have you ever been involved in a suicide
9 investigation -- strike that.

10 Have you ever been involved in a death
11 investigation in a national park where the Department
12 of Justice or the FBI were involved?

13 A No.

14 Q And that includes both -- how about a
15 homicide investigation where the FBI --

16 A We have had some homicides investigations
17 where the FBI has been involved, in past history.
18 I'm talking about 20, 25 years ago because that was
19 how we used to do things. They would always want to
20 be involved in crimes on federal reservations outside
21 of the District of Columbia. But in recent years,
22 they changed their scope from street crime to more

1 white collar crime, corruption, more serious matters.

2 Q And so the Park Police typically just
3 conducts its own investigation into a death whether
4 it be homicide or suicide?

5 A If it's outside the District of Columbia.

6 Q Without any involvement whatsoever from the
7 FBI?

8 A With exception of their lab reports and
9 utilization -- and support. We may ask, we have
10 asked the FBI to support us before, which they always
11 do. It's not their investigation and they assume a
12 supporting role, which has always been a very good
13 working relationship.

14 Q But the Park Police would maintain the
15 primary role?

16 A Sure.

17 Q Do you recall meeting Captain Hume or
18 Detective Markland on your way out of the White
19 House?

20 A Yes, I did.

21 Q Where did you meet them?

22 A In the parking lot on West Executive

1 Avenue.

2 Q That's the parking lot closest to the Old
3 Executive Office Building?

4 A Yes.

5 Q And they were coming into the building?

6 A Yes, they were.

7 Q Do you recall the discussion at all?

8 A I basically told Captain Hume and Detective
9 Markland that we had met with some of the staff as a
10 matter of protocol and briefed them on the evidence
11 that we had, and told them that our investigators
12 would be wanting to talk to people at the White
13 House, and wanted to look in his office, and just
14 kind of set the stage for the investigation.

15 Q Any discussion of sealing the office?

16 A Not at that time. I don't recall.

17 Q Do you know who Mack McLarty is?

18 A He was the chief of staff.

19 Q Do you know if McLarty ordered the Foster
20 office sealed?

21 A I do not.

22 Q Up to this point, have you missed anything

1 with regard to the sealing of that office that you're
2 aware of?

3 A Nothing.

4 Q Any conversations?

5 A Nothing that I can recall.

6 Q Okay. Presumably you went back to your
7 command office with the chief?

8 A Yes, I did.

9 Q Any further discussions with the chief that
10 day of sealing the office?

11 A No, not that I remember.

12 Q Okay. And Hume and Langston then went to
13 the --

14 A Hume and Markland.

15 Q Excuse me. Hume and Markland went back to
16 the --

17 A They went to the White House.

18 Q Did you get a report back from them?

19 A Yes, I did, late in the evening or either
20 the next day. Actually it was the next day.

21 Q This would have been the 22nd?

22 A I got a report that they had not been in

1 the office and they had not talked to anyone.

2 Q They had not talked to anyone at the White
3 House?

4 A True, at that time or as far as an
5 investigation, as far as an interview. And that they
6 had not been into the office yet, that they had to
7 sit there for several hours.

8 Q Do you recall anything more about -- I want
9 to get the specifics as much as possible.

10 A Well, specifically let me make a
11 correction. I think that Hume actually talked to the
12 chief. The chief talked to me and I had a brief
13 conversation with Hume the next morning, and he just
14 told me that they sat there and didn't get in any of
15 the offices.

16 Q Okay. So your testimony is that on the
17 21st, which would be the day after Foster's death,
18 Hume spoke to the chief about what had happened to he
19 and Langston?

20 A I believe that in the evening --

21 Q And he -- Markland, excuse me, over at the
22 White House?

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1 A Yes, I believe it was in the evening of the
2 21st.

3 Q Okay. And then this conversation was
4 reported to you by the chief?

5 A The chief and then I talked to Hume on the
6 22nd, early in the morning, briefly.

7 Q What do you recall the chief saying to you?

8 A He said they never got in the office.

9 Q Anything else?

10 A Well, he said what do you think. I said
11 well, I think we should have already -- I would
12 assume that we had already been in that office and
13 conducted most of the interviews we needed to
14 conduct, provided the people were there that day. I
15 was surprised, based on the conversation in the
16 morning, that they had not been in the office to look
17 through the office.

18 Q Because your impression of that
19 conversation was that people were going to cooperate?

20 A Sure, that was my impression.

21 Q Can you recall anything more about your
22 conversation with Langston?

1 A No.

2 Q All right. The next morning you think you
3 spoke to Hume?

4 A Yes.

5 Q Captain Hume. And do you recall what he
6 may have said?

7 A He just said something, they sat around the
8 lobby most of the afternoon, waiting on people,
9 waiting on the FBI agents. And I assume maybe that
10 was the delay in getting in the office, that they
11 would want to have FBI agents with them. Then he
12 mentioned that there would be some lawyers from the
13 Attorney General's office also.

14 Q Did he say anything about Mr. Nussbaum?

15 A I don't recall what he said about
16 Mr. Nussbaum, no.

17 Q Do you recall Captain Hume using the word
18 "stonewalling"?

19 A I think later he did, but not at that
20 morning, not during that morning on the 22nd. I
21 don't know if that was the word he used or not, but
22 later he did use that term.

1 Q He used the word "stonewalling"?

2 A Later he did, yes, or it came to my
3 knowledge later.

4 Q Was he, on the morning of the 22nd, was he
5 angry about not being able to review Foster's papers?

6 A I think he was.

7 Q Did he feel his investigation was being
8 compromised?

9 A I think he felt that, but he didn't use the
10 specific word "stonewalling" to me.

11 Q There had been interference in his
12 investigation?

13 A I don't think he used the word
14 "interference." I think his thought was
15 stonewalling. Stonewalling is not interference.
16 Interference to me, the difference is stonewalling
17 you just stop it. Interference means you do other
18 things, more active things to interfere with it.

19 Q Was he concerned about possible
20 interference?

21 A I don't know.

22 Q Did he say anything about an agreement that

1 had been reached on the 21st to allow him to look at
2 the documents with the White House person being
3 present?

4 A I don't know if it was on the 21st, but I
5 think the 22nd he said that he had established a
6 protocol to get into Mr. Foster's office.

7 Q And what was the protocol?

8 A Well, I don't know the protocol. He just
9 said protocol. He didn't explain to me what it would
10 be prior to the search.

11 MR. GIUFFRA: Take a break.

12 (Recess.)

13 BY MR. GIUFFRA:

14 Q Let me just go back through one thing.
15 This would be a conversation, first conversation with
16 Mr. Burton. When you asked him to seal the office
17 and you, at least as best you can recollect, you
18 didn't hear anything, a reply back, you assumed from
19 his silence that he was agreeing to seal the office.

20 If a police officer asks someone to do
21 something and they don't say no, I'm not going to do
22 it, you assume they're going to do it?

1 A I assume that, yes.

2 Q And that call was what, about 9:00, 9:30?

3 A About 9:45, maybe even 10:00. We had two
4 conversations. I don't recall the exact time of the
5 other one and it was one of those calls that I told
6 him that.

7 Q Back to the 22nd of July, Hume had not been
8 allowed and Markland had not been allowed to look in
9 the office on the 21st. Then on the 22nd you spoke
10 with Hume?

11 A Briefly.

12 Q Briefly. And he said that he had not been
13 able -- and they had to wait. What was the next you
14 heard about the office search?

15 A It seems that sometime during that day in
16 talking with the chief, and I don't recall the
17 totality of the conversation, he got the sense that
18 there may be some problems up there, that maybe we
19 should go see someone in Interior, and I suggested
20 that Tom Collier would be the one we should make
21 contact with.

22 Q And so the chief, you and the chief made

1 the decision that maybe it would make sense to
2 contact Collier?

3 A Yes.

4 Q And was there any conversation with Captain
5 Hume that prompted you to finally decide you had to
6 call Collier?

7 A Not with me that I recall, that we
8 specifically talked with Hume about going to see
9 Collier.

10 Q But did anything that Hume said to you,
11 like they're not letting us see the documents, was
12 that the driving force?

13 A I think because of the delay and because of
14 the fact that when we report things of serious nature
15 in the parks, we report them to our briefing director
16 of the Park Service. I just thought it might be a
17 protocol move for us to talk to Tom Collier.

18 And since it appeared that there might be
19 something in Hume's being upset about the course of
20 the investigation, that we might give him the
21 heads-up that we may have a problem here. And that
22 was the sole purpose of our first meeting.

1 Q Okay. And did you see him or did you go to
2 his office?

3 A We went to his office late in the evening,
4 late in the afternoon that day.

5 Q On the 22nd?

6 A On the 22nd.

7 Q And this would be the chief and yourself?

8 A Yes.

9 Q Who else was present?

10 A Just Tom, the chief and myself.

11 Q And what do you recall about the substance
12 of the conversation?

13 A Well, it was a very short meeting. I think
14 Mr. Collier squeezed us in between other meetings.
15 As chief of the staff to the Secretary of the
16 Interior, he's very busy. So basically we told him
17 what had occurred and what it looked like, as far as
18 it looked like a suicide, it was an apparent
19 suicide. And we felt we might have some problems
20 about what the chief reported about what had happened
21 with the search of the room, not being able to search
22 the room at that time.

1 Q And had he been contacted by anyone from
2 the White House?

3 A Who?

4 Q Collier, at that point.

5 A Not to my knowledge. I don't know.

6 Q Had he been contacted by anyone from the
7 Department of Justice at that point?

8 A Not to my knowledge.

9 Q So you were the first contact that Collier
10 had with regard to Foster's death as far as you know?

11 A As far as I know. He might have been
12 contacted by Justice anyway. I do not know that.

13 Q Had he spoken to anyone at the White House
14 at that point?

15 A Not to my knowledge.

16 Q Do you recall anything else about the
17 conversation with Collier?

18 A That was very brief. Tom took some notes
19 while we were talking to him. Did not say what he
20 was going to do, just said keep him appraised of the
21 investigation and if we needed any help, let him
22 know.

1 Q Now, we've heard testimony that on the 22nd
2 Hume and Markland --

3 MR. IVEY: Are you -- could we go off the
4 record for a second.

5 (Discussion off the record.)

6 BY MR. GIUFFRA:

7 Q Okay. Did there come a time when you were
8 advised that Hume and Markland were allowed to
9 actually enter Foster's office?

10 A The first time that I was advised that they
11 entered his office was at the time that they entered
12 his office with various other people. I don't recall
13 the number of people, but there was two FBI agents, a
14 Secret Service agent, two attorneys from the Justice
15 Department and maybe more White House people. I
16 don't recall the number of people. Quite a few
17 people entered the office at one time.

18 That's the first time that I was aware we
19 were allowed in the building. If there was another
20 time, I'm not familiar with it.

21 Q That's the time that I wanted to speak with
22 you about.

1 A I don't recall the at a time of that. I
2 believe it was the 23rd or the 22nd.

3 Q Do you recall if it was before or after you
4 spoke to Collier?

5 A I don't recall. It might have been during
6 that time. I'm not sure.

7 Q Okay. No problem.

8 A I just don't remember.

9 Q No problem. Do you recall any reports back
10 from Hume and Markland with regard to their visit to
11 Foster's office?

12 A Yes, I do.

13 Q Could you state for the record what you
14 recall?

15 A They basically said that they didn't get to
16 look at any piece of paper or anything. That
17 Mr. Nussbaum conducted the search of the desk and the
18 office and everything and would stack things up in
19 different piles and say this is personal matter, this
20 is White House stuff, it's no concern for you. And
21 he determined what they should see and what they
22 shouldn't see.

1 Q And at that time were they allowed to see
2 anything?

3 A No, they were not.

4 Q And was the plan that they would all
5 eventually be able to see some of the documents?

6 A They were going to be able to see the
7 things that Mr. Nussbaum determined that was personal
8 in nature, when it was released to the Foster's
9 family lawyer.

10 Q So the documents would first be released to
11 the Foster family lawyer, and then shown to the Park
12 Police --

13 A Yes.

14 Q -- by the Foster family lawyer?

15 A Yes.

16 Q And that there would be a category of
17 documents that Park Police would never get to see?

18 A That's true.

19 Q Is that a regular procedure?

20 A No. Usually we determine what we need to
21 see when we look at the documents, and it's never
22 been like that before.

1 Q So it was irregular for Nussbaum to make
2 the decision for what you could and couldn't see?

3 A In our opinion, yes; as far as
4 investigating the death of Vincent Foster, it was
5 irregular.

6 Q You would have liked to have been able to
7 make the judgments as to what documents you wanted to
8 review and not review?

9 A That's true.

10 Q Without any interference from anyone else?

11 A That's true.

12 Q Do you recall the Hume stonewalling
13 comment?

14 A I don't recall when he made that. I recall
15 hearing that comment being made.

16 Q Can I ask you a question? Are there people
17 at the Park Police -- do the Park Police regularly
18 deal with sensitive information?

19 A We can.

20 Q Do people have security clearances?

21 A Some. I have one.

22 Q What's your security clearance?

1 A Top secret.

2 Q So you could review classified material?

3 A Well, yes and no. Just because I have a
4 top secret clearance doesn't mean I can go in and see
5 any top secret document in the United States
6 government. Tied in with the security of documents
7 in a top secret clearance also is a caveat that I
8 must have a need to know. So if I don't have a need
9 to know, I can't just see it because I have a top
10 secret clearance, because that doesn't necessarily
11 mean that much.

12 Q But if you had a top secret clearance,
13 would you have a need to look through -- potentially
14 have a need to look through some classified material
15 that might have been in Foster's office in the course
16 of an investigation to his death?

17 A If we thought that top secret material
18 might have contributed to his death, that's very
19 possible.

20 MR. GIUFFRA: Off the record just a
21 second.

22 (Discussion off the record.)

1 BY MR. GIUFFRA:

2 Q Did Hume or Markland indicate to you that
3 they were concerned about a loss of evidence?

4 A They didn't directly talk to me about that,
5 but I know in casual conversations it was floating
6 around about that time, that that was one of their
7 concerns, that there could have been a loss of
8 evidence.

9 Q Some destruction of documents possibly?

10 A They didn't say that directly.

11 Q What do you think would have been a normal
12 procedure in this particular case with regard to the
13 review of the documents in Mr. Foster's office?

14 A The normal procedure would be for one of
15 our detectives or two detectives to go into the
16 office, look around. And since the scene was already
17 very clear of what we thought we had, anyway, and we
18 had interviewed enough people to determine what his
19 state of mind was, we would have looked around for a
20 suicide note.

21 We would have looked in some files or some
22 drawers for maybe his bank statements or anything

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1 like that to see if he had financial difficulties.
2 Looked at his diaries, looked at his phone logs,
3 things like this, see who talked to him last to see
4 who we need to talk to, and made a very open search
5 of it.

6 We would probably not get very detailed
7 into some of his legal work nor would we have
8 understood some of it. But we looked at those things
9 that primarily pop out, reasons for suicide, notes of
10 suicide, something in a diary to state he was unhappy
11 with something or anything like that, or again
12 reiterate some financial difficulty maybe.

13 Q If he had been concerned about some sort of
14 legal problems involving himself or some of his
15 clients, might that have been something you would
16 have wanted to know?

17 A If we found that, yes, if we found that and
18 he'd made a note of it in a diary or something. His
19 legal documents we wouldn't look through. They would
20 have looked at them, saw what they were, and said
21 that's it.

22 Q If he was, for example, contacting an

1 attorney to represent him, that would have been a
2 fact you would have wanted to know?

3 A That would have been.

4 Q Do you know whether Secretary Babbitt had
5 any knowledge of the Park Police's investigation?

6 A Probably from reading it in the paper; the
7 secretary reads the paper, he probably knew it was
8 us. And Mr. Collier might have talked to him. I
9 never talked to the secretary about this
10 investigation at all.

11 Q Did the chief ever speak to the secretary?

12 A Not to my knowledge.

13 Q Do you know what the Department of
14 Justice's role in this investigation was?

15 A They were supposed to coordinate the
16 investigation.

17 Q Anything else, anything more specific?

18 A No, other than the FBI being with us from
19 working with us in the initial stages.

20 Q Did you ever have any dealings with Mr. --
21 with Deputy Attorney General Heymann, H-e-y-m-a-n-n?

22 A No, I did not except for the day of the

1 press release on August 8th, I believe.

2 Q And that was the press release announcing
3 that both sides, both the DOJ and the Park Police,
4 had determined it was a suicide?

5 A That's true.

6 Q Any dealings with Mr. Margolis?

7 A That same day although our investigate
8 activities had dealings with Mr. Margolis. I have
9 known Mr. Margolis before.

10 Q He has a good reputation?

11 A He has a good reputation among law
12 enforcement people.

13 Q Any dealings with Mr. Adams?

14 A No.

15 Q Did you hear any anything about the
16 Department of Justice having any complaints about the
17 White House and how the White House was handling the
18 papers?

19 A I didn't hear anything, no.

20 Q At your prior deposition, if you could take
21 a look at pages 30 and 31.

22 (Witness reviewed the document.)

1 A Okay.

2 Q Now you've just read pages 30 and 31 of
3 your prior deposition. This discussion of removal of
4 a box -- of a box of records and then there's a later
5 discussion of trash being removed. Could you give us
6 more information about that?

7 A Well, basically all I knew at the time was
8 what I read in the police reports, those reports and
9 those supplemental investigative reports that had
10 been typed. I had not read the officers' notes or
11 know what they talked about at that time, nor have I
12 since then.

13 I knew, when the chief gave a press
14 release, about a box of records being removed. I
15 knew that trash had been removed that night by the
16 cleanup ladies and that it had been put back.

17 Q This is on the night of Foster's death, the
18 night of Foster's death?

19 A Yes, on the night of his death.

20 Q Who told you that?

21 A That was in the report. I forget who wrote
22 the report. Maybe it was Markland, I think. And

1 that was in one of his interviews, that the bag of
2 trash had been returned. Normally the burn bag goes
3 out to be burned and they had had it returned back to
4 his office. As far as I know, we never looked into
5 that bag of trash either.

6 So based on the box, when there was a lot
7 of media questions about this box, the only thing I
8 knew in the police -- in our investigative reports,
9 the only thing I knew about specifically was the
10 trash bags.

11 Q I'll show you a document which we should
12 probably mark as Exhibit 1. This is a copy of a New
13 York Times story dated August 11th, 1993, and the
14 headline is "Note left by White House aide:
15 Accusation, anger and despair." And it's written by
16 a man by the name of R.W. Apple.

17 (Hines Exhibit 1 identified.)

18 (Witness reviewed the document.)

19 (Discussion off the record.)

20 THE WITNESS: I think I read this report
21 earlier when it was in the paper.

22 BY MR. GIUFFRA:

- 1 Q The newspaper article, not --
2 A Newspaper article.
3 Q Not a report?
4 A I don't recall ever talking to Mr. Apple,
5 ever. One time it alludes to me, it says one of his
6 assistants had removed materials. I don't recall
7 ever saying that on the fact that the trash was
8 removed that night and that I knew from the police
9 reports that the trash had been brought back.
10 Q Do you recall any conversations with
11 Markland with regard to whether a box of documents
12 was removed from Foster's office?
13 A Not during this time of the investigation.
14 Q Do you recall ever recall a conversation
15 with Markland about that?
16 A Yes, in recent times.
17 Q Could you tell us about that, those
18 conversations?
19 A Recently he said that in his notes and
20 something that he never wrote in the supplemental
21 report, that one of the mornings, a Secret Service
22 uniform division officer had informed him that one of

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- 1 the White House staff persons had a box of
2 documents. He's not aware where they were from, what
3 office, and if I recall, Markland said that he did
4 ask this person about the box and he said they were
5 not from Foster's office.
6 Q And this is something that's reflected in
7 Markland's notes?
8 A Yes.
9 MR. IVEY: I'm sorry. Could I hear that,
10 the end of what he said? That answer right before
11 your last question. Maybe you need to repeat it.
12 (The reporter read the record as requested.)
13 BY MR. GIUFFRA:
14 Q It's your recollection that the White House
15 official told Markland the box was not from Foster's
16 office?
17 A That's the best of my recollection.
18 Q Did Markland say whether he briefed the
19 White House official or not?
20 A He didn't say.
21 Q Have you had any other conversations with
22 Markland about the box coming down from --

1 A No, that's been about a month and a half
2 ago, two months ago, and that was in conjunction with
3 an appearance before the grand jury, most recent
4 grand jury by Mr. Starr.

5 Q Okay. We won't go into that. Did you
6 handle any press inquiries with regard to the removal
7 of the box?

8 A Only when they asked me and I told them the
9 only thing I knew that was removed was the trash
10 bags, that I had no knowledge of a box.

11 Q Let's just take a look at this article,
12 second page. This article discusses the suicide
13 note, or at least the note, of Foster. What was the
14 reaction of Hume and Markland when they were advised
15 that this note was discovered?

16 A I don't know what their reaction was.

17 Q Did you speak to them?

18 A No, I didn't speak to them.

19 Q Did you speak to the chief about the
20 discovery of the note?

21 A Not to my knowledge. I don't remember --
22 probably did, but I don't remember what we talked

1 about about the note.

2 Q Do you recall anything about the discovery
3 of the note?

4 A Well, I recall that, when the note was
5 discovered, that they had contacted Captain Hume at
6 his home and he'd instructed a detective, a Joe
7 Megby, to respond to the White House to retrieve the
8 note.

9 Q Have you ever had any conversations with
10 Captain Hume in which he -- strike that.

11 Now, it's been reported that the note was
12 found in Mr. Foster's briefcase. You're aware of
13 that?

14 A Yes.

15 Q Have you had any conversations with Captain
16 Hume about the fact that it was discovered in
17 Foster's briefcase?

18 A Yes, I have.

19 Q And what has he said to you?

20 A Well, basically we're talking about a
21 briefcase and we believe it was the briefcase that
22 was in the office the morning of the search, that

1 Mr. Nussbaum took papers out of the briefcase and
2 looked into it and then put it down and kicked it in
3 the back of the room. Something to that effect, I
4 don't exactly remember how he phrased it.

5 And that when I talked to Captain Hume in
6 relation to this, just in conversation, I said we
7 would have found that note because we would have been
8 looking in the office and found his briefcase and he
9 said yeah, our oldest, blindest detective would have
10 found the note, which is true. If it had been in the
11 briefcase the morning that we were in there and we'd
12 have looked into it, we would have found it.

13 Q Did he say whether Nussbaum had said the
14 briefcase was empty?

15 A I don't recall.

16 Q But a blind detective, a nearly blind
17 detective would have found the note?

18 A Yes.

19 Q That's what Hume said?

20 A Something to that effect.

21 Q What did Markland say to you about the
22 discovery of the note?

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1 A Markland just said he thought we would have
2 found the note if it had been in the briefcase.

3 Q Did they say anything to the effect that
4 they thought the note was maybe planted in the
5 briefcase?

6 A No, they didn't say that. Not to me.

7 Q And is it your understanding that Nussbaum
8 searched the briefcase out of their sight?

9 A Well, I think he was sitting at a desk and
10 they were all around -- I don't know how they were
11 configured in the room, and that he was just looking
12 through the briefcase and looked into it, and I think
13 they saw him looking at the briefcase. I don't think
14 they could see what was in the briefcase. I'm not
15 sure.

16 Q And now, the chief is quoted in this
17 article as saying that Park Police would have liked
18 to have seen that briefcase?

19 A Yes, we would have.

20 Q And that would be proper police procedure?

21 A That would be.

22 Q And why would that be again?

1 A Because he might have a note in the
2 briefcase or he might have other information that
3 would lead us to get some motive of his committing
4 suicide. I mean a briefcase is kind of personal,
5 some people carry their diaries in it, they carry
6 their appointment calendar, things like this. So it
7 could have had evidence that we would have liked to
8 have seen.

9 Q Let's turn to the next page in the
10 article. The top, Chief Langston -- it's not a quote
11 but it says "this afternoon Chief Langston of the
12 Park Police said a box of documents had been removed
13 from the office before his investigators arrived on
14 July 21, the day after Mr. Foster's body was found in
15 a park on the Virginia side of the Potomac River."

16 Do you know what the basis is for that
17 statement?

18 A I think the basis of that statement, and
19 the one prior to that, is that the box of materials
20 that we were referring to are the ones that we knew
21 about.

22 Q Which is the garbage?

1 A Was the garbage, the trash bag.

2 Q Now, with regard to the note, the note was
3 not turned over to the Park Police immediately after
4 it was discovered?

5 A That's true.

6 Q There's a delay of about how long?

7 A Maybe a full day. Half a day.

8 Q Do you recall any internal discussions at
9 the Park Police about this delay, about whether it
10 was proper?

11 A I don't recall any specific discussions
12 about it, no.

13 Q Let's turn to page 6 of this newspaper
14 article. This part of the article restates the
15 Foster note. Have you read this note before?

16 A The note that Mr. Foster wrote, yes.

17 Q Now, if the Park Police had received -- had
18 seen this note, say, during their initial search, if
19 they had been able to find this on the 22nd, might
20 the officers have asked questions about some of the
21 subject matters in the note?

22 A No, probably they wouldn't. Probably what

1 they would have looked at and they wouldn't have
2 known or cared about Travelgate or Kaki Hockersmith
3 or any of that. They would have judged from that
4 note, totality of the note that he was upset about
5 things and just wrote them down. And they would have
6 probably tried to ascertain was he the one that wrote
7 this note by handwriting examples, and then talk to
8 his wife and find out what she knows about it. And
9 combined with that and an interview with his wife, we
10 would have probably concluded that it was a suicide
11 much before we did.

12 It was not a suicide note per se, but it
13 was a note of grievances and it would lead us to know
14 that he was discouraged. There was some of the
15 statements he made in there that would lead one to
16 believe that he was very discouraged about his life
17 here in Washington.

18 Q Would you describe this note as important
19 evidence?

20 A Oh, yes.

21 Q Critical evidence?

22 A Critical.

1 Q Most critical evidence?

2 A Probably one of the most critical evidence
3 in the case, yes.

4 Q Just a few more questions. Did there come
5 a time when Park Police officers went and reviewed
6 some personal documents of Mr. Foster at his
7 attorney's offices?

8 A Yes, there was such a time.

9 Q What do you -- what knowledge do you have
10 of that?

11 A I don't recall the exact date, 25th, 26th
12 or sometime, where they responded to Mr. Hamilton's
13 office and reviewed documents that Mr. Nussbaum had
14 set aside as personal documents. And if my
15 recollection is correct in reading the reports and my
16 prior testimony, they did not find anything that shed
17 any light on his suicide.

18 Q But they did go and review all the
19 documents?

20 A They did review them.

21 Q Just looking back at this situation with
22 regard to the office, is there anything that maybe

1 should have been done differently by the White House?

2 A Well, that's kind of a hypothetical
3 question. I would think had they said -- if we'd
4 have searched that office on the 21st, we would have
5 probably got everything we needed out of it. If the
6 note had been in the suitcase -- in the briefcase,
7 correction, we would have found it, and probably
8 concluded much earlier than what we did that he
9 committed suicide.

10 Q With regard to the sealing of the office,
11 do you think that the Park Police maybe should have
12 gone and done something differently than they did
13 that night?

14 A Well, ideally, I mean if this would have
15 been a citizen in an office building uptown, we would
16 probably ask the custodian of the building to secure
17 it. We probably wouldn't have put anybody on it for
18 a suicide. You know, we have to look at what it
19 appears to be first. I mean, we're just going
20 through some steps that we have to go through. The
21 scene was overpowering it was a suicide. Had it
22 been, and we had preliminary investigative reasons

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1 based on the crime scene to think that it may have
2 been, a homicide, yes, we would have secured that
3 with police tape and everything. Any office.

4 However, we were dealing with the White
5 House, the office of the President of the United
6 States. We're the United States Park Police. This
7 is a unit down in the National Park Service, way down
8 the bowels in the Interior. When you think, there
9 who really has the authority to go in and do that.

10 Had Mr. Foster shot himself in his office,
11 it would have been the jurisdiction of the
12 Metropolitan Police to investigate, not the FBI, not
13 the Secret Service, and there might have been a
14 difference there of how things would have been
15 handled. I do not know.

16 Does that answer your question?

17 Q Yes. Have you ever -- do you recall any
18 conversations with anyone within the Park Police who
19 has expressed a concern that perhaps evidence was
20 lost because the office was not sealed?

21 A No, we never had any direct evidence --
22 never had any direct conversations about that.

1 Q So it's just speculation as far as you're
2 concerned?

3 A It would be speculation.

4 Q You don't know whether any evidence was
5 potentially lost?

6 A I do not know.

7 Q You don't know -- but you do know the
8 office was not sealed?

9 A I know that.

10 Q So it could have been -- so evidence could
11 have been taken out?

12 A Anything could have been taken. But I do
13 not know.

14 Q All right. Last question. You understand
15 what the phase of this part of the inquiry is about,
16 handling the papers in his office. Can you think of
17 any other information that the committee should be
18 aware of that you might have knowledge of?

19 A No, I can't.

20 MR. GIUFFRA: Okay. Well, thank you very
21 much.

22 MR. IVEY: Want to take another break or

1 just go ahead and start?

2 THE WITNESS: Let's take about a
3 five-minute break.

4 (Recess.)

5 EXAMINATION

6 BY MR. IVEY:

7 Q Okay. You've been with the Park Police
8 for, is it 28 years now?

9 A It's going on 28 years, at the end of
10 December.

11 Q And during the course of that time, you've
12 done stints with the Park Police where you handled
13 criminal investigations?

14 A True.

15 Q How many, during the course of your career,
16 how many death cases would you think that you've
17 handled?

18 A All death cases? That's three to four
19 dozen, either whether I personally handled, responded
20 on the scene as a uniform officer or supervised,
21 probably about four dozen or so.

22 Q And when Mr. Giuffra asked you about

1 suicides, you said you'd done about three or four
2 dozen of those?

3 A I meant all types of death cases.

4 Q So maybe four dozen, 40 or 50?

5 A Sure, and probably half of those were
6 suicides.

7 Q How many death cases does the Park Police
8 handle in a given year? And by -- I mean the
9 Washington office here.

10 A It will vary. It usually is around,
11 including death cases, including fatal motor vehicle
12 accidents, probably around 30. Death cases because
13 of suicide, natural cause or homicides, maybe 15.

14 Q During the course of your time in the
15 criminal investigation units with the Park Police,
16 were you including those numbers as well?

17 A Yes.

18 Q 15? Now you also testified about the
19 policies and procedures for the Park Police. There
20 is a unit, a subunit underneath you that determines
21 or drafts these procedures?

22 A And reviews our general orders routinely to

1 make sure they're still relevant. It's called the
2 planning and development unit.

3 Q And would they have also handled the
4 guidelines manual that the Park Police published on
5 or disseminated on July 20, 1994?

6 A The guidelines manual concerning death
7 investigations?

8 Q Right.

9 A They would have been involved in the final
10 printing of it and some editorializing of the
11 document. It was prepared primarily as an internal
12 document for the criminal investigation branch.

13 Q It was prepared by Detective Rayfield?

14 A Detective Rayfield was the primary writer
15 of that document, yes.

16 Q Were there other Park Police detectives or
17 investigators who reviewed that manual before it was
18 disseminated?

19 A I don't know. I'm sure there were.

20 Q Would it be fair to say that he got the
21 input from a variety of senior investigators?

22 A Input from investigators and from the

1 literature.

2 Q Okay. And why was that manual published or
3 disseminated?

4 A Well, initially when I was in charge, we
5 had an internal working document. There was a need
6 to have a certain manual because we had a lot of
7 people at the time like Investigator Rayfield that
8 were getting ready to retire. And we had younger
9 officers coming on, so they needed some more guidance
10 from which, prior to that, we'd send them to the
11 homicide school at MPD or whatever, and they'd gain
12 their knowledge between their ears.

13 And it's common practice. It was very
14 loose, some of the instructions we had. It was
15 mostly by having a lot of experienced investigators.
16 So when they looked at the fact that a lot of these
17 guys are approaching their retirement time and we had
18 some young investigators, maybe we better put
19 something in-house to assist them and make sure we
20 had a uniform procedure.

21 Q Does the guidelines manual reflect sort of
22 the experience and acquired wisdom of your

1 investigators in the Park Police?

2 A Rephrase that.

3 Q Well, I guess I'm asking if it's based on
4 the experience that senior investigators would have
5 had in handling death investigations.

6 A I'm sure that's involved in it. A lot of
7 it is from the literature, the various textbooks of
8 investigation, the various training they've had and
9 their experience; the total of all of it.

10 Q Was there a section on suicides in that, do
11 you recall, in the manual?

12 A I haven't looked at it in years. I haven't
13 looked at it since about two, three years. You know,
14 I really don't recall.

15 Q Okay. It's not a test so let's pull it
16 out. I'm referring to the volume from our published
17 hearings from last summer, pages 1321 through 1343.
18 I'll hand you this one.

19 Could you take a look, take a minute to
20 look through it.

21 (Witness reviewed the document.)

22 Okay. Would you say that it covers the

1 range of possible types of death investigations,
2 homicide, suicide, vehicular?

3 A It does.

4 Q Okay. And there's a section on suicides
5 here. Did you notice that one?

6 A Yes, I did.

7 Q Okay. And I just wanted to -- there's a
8 paragraph here on page 1338, it refers to place of
9 employment.

10 (Witness reviewed the document.)

11 A Yes.

12 Q Okay. Let me take it back. It says "visit
13 the place of employment of the deceased. It may be
14 necessary to interview friends and co-workers to
15 determine unusual behavior, mood changes in the
16 victim."

17 Is it fair to say that was done in this
18 case?

19 A It was. It was.

20 Q And that was done by Detective Hume -- I'm
21 sorry, Detective Markland and Captain Hume?

22 A Yes.

1 Q "When conducting interviews at the place of
2 employment, the investigator shall organize the
3 on-site activities with the supervisor at that
4 location. While talking to the supervisor, a request
5 shall be made to examine the victim's work area.
6 This should be done in a dignified and unobtrusive
7 manner."

8 The logic behind going to the place of
9 employment and interviewing the co-workers is to try
10 and find out if there had been any changes in mood or
11 behavior by the decedent?

12 A Yes.

13 Q Do you know if Hume or Markland came across
14 any of that type of evidence in this case?

15 A I don't specifically recall their
16 interviews. I think some initially said no and then
17 finally we did get that from the wife, she said that
18 he had had -- Lisa Foster -- that he had had a change
19 of procedure. If I recall, one person at the White
20 House said that he seemed unfocused during that time,
21 and that was Mr. Castleberry. That's the best --

22 Q Castleton?

1 A Castleton, yes. That's the best of my
2 recollection about the interviews.

3 Q And was that information consistent with
4 suicide or homicide?

5 A It was consistent with suicide.

6 Q To the best of your knowledge, is there any
7 evidence or information that was recovered from the
8 office that indicated anything other than suicide in
9 this case?

10 A To the best of my knowledge, some of the
11 information that we gained from the office did supply
12 us with information to make other calls. For
13 instance, we got the doctor that he had called down
14 in Little Rock. We were able to call the doctor who
15 confirmed that he had prescribed medication for him.
16 Talked to another man named Jim Lyons from Denver who
17 had probably the last conversation with Mr. Foster
18 that we know of.

19 Q And this was information that was gotten
20 from the White House from phone logs or interviews
21 with Foster's co-workers?

22 A Yes.

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1 Q That was information gathered by the Park
2 Police during the course of their investigation?

3 A That's true.

4 Q And so I guess your testimony is that just,
5 given this paragraph regarding the place of
6 employment, the Park Police did everything that's
7 spelled out in that paragraph?

8 A We did. We did examine his work area, is
9 the one thing that we probably didn't get to do to
10 the way we would like to do that --

11 Q I'll come back to that in a minute.

12 A -- and I don't think the guide points that
13 out.

14 Q Now, you testified earlier that you haven't
15 ever requested an office be sealed other than in the
16 Foster case?

17 A True.

18 Q Have you done that since the Foster case?

19 A No, not to my knowledge. Not to my
20 knowledge. The Park Police may have or may not
21 have. I just don't know.

22 Q Okay. I guess I should be clear when I ask

1 the question. When I say you, I mean you initially.

2 A I can say that I do not know. It's
3 possible.

4 Q All right. Let me ask it both ways too.
5 As far as the Park Police, were you aware of the Park
6 Police ever asking for an office to be sealed, this
7 is assuming that the office isn't the primary crime
8 scene?

9 A Not to my knowledge.

10 Q And again the guidelines, as far as those
11 procedures are spelled out here in the guidelines,
12 that would be consistent with what's here on page
13 1338?

14 A Yes.

15 Q Okay. Because it doesn't make any
16 reference to sealing the offices?

17 A It does not, but I think if you look at
18 these guidelines again -- let's look back to where it
19 says this point, the suicide. It says "in addition
20 to the procedures in all death investigations, the
21 following are additional guidelines for suicide."
22 You have to read all, see what it says also.

1 Q What page are you on now?

2 A I'm on page 1335. I just want to see what
3 it said about that.

4 (Witness reviewed the document.)

5 I would think in that the crime scene
6 search procedures would apply to an office, if we
7 wanted, would apply to an office or vehicle or any
8 other space.

9 Q Sure, sure. And that would be in cases
10 where -- again, this is assuming that the office
11 isn't the primary crime scene -- there's no question
12 that if a death occurred in an office you would seal
13 it off?

14 A Sure, seal it, yeah.

15 Q But as far as the office being a secondary
16 scene, in the case of a suicide, it might even be an
17 issue as to whether it's a crime scene or not; is
18 that fair to say?

19 A Could be an issue, yes.

20 Q And in a case where -- well, let me ask you
21 this. Was your impression that the physical evidence
22 from the death scene, that it strongly indicated

1 suicide?

2 A From the death scene, yes.

3 Q If it had been otherwise, I mean if it had
4 been, maybe you weren't sure if it was -- well, maybe
5 if the evidence didn't so strongly indicate suicide
6 or maybe if there was clear evidence of potential
7 foul play, you know, normal case with an office, you
8 can get a search warrant or have it sealed or
9 whatever; is that fair to say?

10 A Yes, that's true.

11 Q And in cases where you have that type of
12 evidence, you do that?

13 A Yes, we do.

14 Q And you also get search warrants, I would
15 assume?

16 A That's true.

17 Q But typically in cases where I guess
18 they're designated just from look being at it -- I'm
19 sorry?

20 A Well, we get search warrants but if we had
21 a belief, say, in a homicide, it looked like we
22 needed to search this office, we would secure that

1 office without searching it first and go get the
2 search warrant. In other words, we just wouldn't
3 leave it be and walk around and wait for the judge
4 the next day to give us a search warrant. We'd have
5 it secured. I mean it just wouldn't be left there.
6 We would definitely secure it.

7 Q There is an emergency approach you would
8 take, right, you would try to reach the judge at home
9 and, you know, draft the affidavit while you're
10 riding over there. Maybe even do it over the phone;
11 right?

12 A Well, that's hypothetical. Legal law
13 provides, I know one telephonic search warrant that
14 I've ever received in my whole life. It's just not
15 practical. Most judges don't like to do it.

16 Q But in the Foster case, we don't have any
17 evidences of that --

18 A We don't have any evidence of that.

19 Q -- or foul play?

20 A The truth of the matter, when we look into
21 the Foster case, we thought we would go into that
22 office, examine the office, probably wouldn't have

1 been a real thorough search. But if I'm sitting in
2 Captain Hume's shoes, when I think hey, it looks like
3 a suicide to me, what do we got to look for.

4 And I can recognize certain security things
5 that may go on in the White House and they may want
6 to have some people with us. I can understand why
7 they would want to have a lawyer or somebody from the
8 counsel's office as we examined his office. That's
9 perfectly understandable because there may be some
10 privileged information. May be some executive
11 privilege information that, you know, we don't need
12 to know.

13 But when you get the perception that they
14 won't even let us in the office and then the search
15 went down like it did, you get the perception that
16 something's not right. And we all had that, you
17 know, why, when it's so clear to us that it's
18 probably a suicide, what's the problem.

19 I mean, you know, we just want to find out
20 what's his reason for suicide. We just know, based
21 on the information that we receive, that he was so
22 discouraged and was in enough depression that he

1 decided to take his own life. There may be a lot of
2 other reasons we'll never know.

3 Q Okay. And when you are doing that type of
4 investigation, I think you listed earlier the types
5 of things that you are looking for?

6 A Sure.

7 Q Diary, suicide note, logs, financial
8 statements. Is that -- that's all true?

9 A That's start of the things we look for.

10 Q In this case did you see diary, financial
11 statements, calendars, phone logs?

12 A We did, but like I said --

13 Q But not immediately?

14 A Not immediately. We did eventually and
15 that was our concern. You know, we saw his diary, we
16 saw the things. Right now when we look at it, we saw
17 a box of material that was given to his lawyer before
18 it was given to us, and we only can trust the good
19 nature that that box is complete. I can't say for
20 sure it's complete. There may have been a lot of
21 things taken out of it. We don't know that. That's
22 the problem we're having in the investigation; that's

1 how we looked at it.

2 Now, there might have been some very bad
3 things of why he committed suicide that maybe
4 somebody didn't want us to know. We found
5 independently that we had enough to reasonably
6 conclude that he took his own life.

7 Q And the comments you just made as far as
8 things might have been taken out --

9 A Might have been, might not. I'm trusting,
10 I trust that they were not.

11 Q Okay. But you don't know?

12 A I don't know.

13 Q I mean earlier you mentioned something
14 about speculation. Would you characterize those
15 statements as speculative?

16 A It would be speculation to say that
17 something was taken out, but I can't say for sure
18 that nothing was removed.

19 Q Okay. Now, I think you testified last
20 summer that the family -- well, not all of the family
21 was interviewed but the wife was interviewed?

22 A Lisa Foster was interviewed.

1 Q And she was interviewed eight, nine days, I
2 think it was, after the --

3 A After the suicide.

4 Q And I believe you testified that that's not
5 necessarily unusual, that you give people time to
6 deal with funeral arrangements, particularly when
7 they're out of town?

8 A Sure. After the initial notification,
9 sometimes we get all the information we need right
10 there. I mean everybody is different. Everybody
11 approaches these types of tragic events in a
12 different way. Sometimes we can interview someone
13 when we notify them and get the information we need.

14 As a matter of fact -- this is anecdotal.
15 We had a suicide during our last year's testimony.
16 And the family -- right away they interviewed this
17 guy's family. Well, he was suicidal anyway, the
18 family admitted it. It was all done right there. We
19 don't have to go back and interview them a week
20 later, two weeks later. It was accomplished.

21 So every case is different. But it's not
22 unusual to interview a wife after the funeral, a

1 couple days, especially if we need to, you know, tie
2 some loose ends together about his motive for
3 suicide.

4 Q Is it true for other parts of the
5 investigation too, does it sometimes they don't all
6 get done the next day, it takes a few days to get
7 everything done?

8 A That's true.

9 Q Have there been cases, suicide
10 investigations you've done where personal papers have
11 been reviewed?

12 A Yes.

13 Q Several days after the death?

14 A Well, a few days after, yes.

15 Q I think Mr. Giuffra asked you about members
16 of Senate offices or if a Senator died?

17 MR. GIUFFRA: Senator.

18 MR. IVEY: A Senator, all right.

19 MR. GIUFFRA: Went right to the top.

20 BY MR. IVEY:

21 Q How do you think a search of a Senator's --
22 I mean, would it be your view that you'd be able to

1 have investigators go in and look through the
2 paperwork there?

3 A It is my view, yes.

4 Q Do you think the a Senator might have some
5 concerns about some of the documents that might be in
6 the office or, I guess it wouldn't be the Senator
7 because he's dead?

8 A If he's the Senator, he might not have any
9 concern at all.

10 Q Someone on his staff?

11 A Well, I'm sure it would not be unusual if a
12 staff member is with us and assisted us to do that.
13 I mean, but if they said we can search two days from
14 now or something like that, it makes us think what's
15 going to happen. We would like to have a sterile
16 scene as the Senator left it.

17 Q You think you would be able to go through
18 all the papers if you wanted to in a Senator's
19 office?

20 A If the scene was exactly alike and, it was
21 clear from what we see at the scene that, one, he had
22 a weapon on the scene and the wound was the type that

1 he could, you know, that he could -- if the wound was
2 a type that he could have inflicted on himself, you
3 know, he shot himself in the head, shot himself in
4 the mouth, cut his wrists, hung himself or something
5 like that, yes, it would be a little bit different.
6 If it was not, we would take a completely different
7 course.

8 Q I'm not sure I follow you there. We'll
9 assume it's just like Mr. Foster's death.

10 A The scene is fairly overpowering in
11 appearances.

12 Q Yes. Do you feel you'd be able to go into
13 the Senator's office and look through everything?

14 A I feel we should be allowed to, yes.

15 Q Not should be, do you think you'd be able
16 to do that?

17 A Well --

18 Q I understand in a perfect world, you know,
19 you'd get to look at everything, but do you think
20 you'd be allowed to do that?

21 A It would probably be difficult.

22 Q Why do you think it would be difficult?

1 A Well, because someone may not want
2 everybody to know about his life or about what he's
3 working on. It would depend on what duties he had.

4 Q And I suppose Senators work on sensitive or
5 classified things on occasion too. You think they
6 might be concerned about that?

7 A I think they do. I think some of them do,
8 yes.

9 Q Let's say -- I think Mr. Giuffra also asked
10 you about a business executive. Let's say, the CEO
11 from MCI goes to Fort Marcy Park and puts a gun in
12 his mouth and pulls the trigger, just hypothetical.
13 Do you think you'd be able to -- not should, I
14 understand should -- but do you think your
15 investigators would be able to go into the CEO's
16 office and just look through everything?

17 A I think it would be -- I think that there
18 might be people in the corporation who may not want
19 us to do that, but I think we would do that anyway in
20 a relatively short order of time. We've had
21 experience in doing that before, if it was a
22 homicide, where we just -- I mean, there was some

1 initial, initial resistance to us searching an
 2 executive's office, but we prevailed by the force of
 3 the personality of the detectives, but they were not
 4 dealing with the President's staff or Senator's
 5 staff.

6 Q I mean, you've recognized or you've said
 7 that you recognize there might be some sensitivity
 8 with respect to documents or items that are in an
 9 office. Given that, do you think I mean would there
 10 be other possible ways to go about trying to find
 11 what you're looking for in an office?

12 A My view would be that if this thing had
 13 happened like I feel it should have happened is that
 14 sure, the White House counsel would have been with
 15 us, maybe Secret Service, maybe anybody, but we would
 16 have been able to look at the document, and say this
 17 is a document that -- say this looks like you showed
 18 me the document, show this, don't need it put it in
 19 personal matters. That would have been the way we
 20 would have liked to have seen it.

21 If he says this is a document, see the
 22 subject of it, is it a sensitive matter having to do

1 with national security, this would be executive
 2 privileges. We are part of the executive branch.
 3 Anything our detectives would see inadvertently or
 4 just per chance, they would have hooked into that
 5 executive privilege. And if they divulge that, even
 6 though it might give reason, might have been the
 7 exact cause of his death, they have a problem there.

8 And we just have to say that, based on some
 9 things he was working on, that is highly sensitive
 10 and highly secure as far as the type of information,
 11 we can't release it. Let the news media go crazy.

12 Q They will anyway.

13 A Well, I know that.

14 Q Okay. So, you mentioned earlier too that
 15 you didn't think, even though you would want to have
 16 the opportunity to look through all the documents,
 17 that you actually wouldn't look through all the
 18 documents --

19 A That's true.

20 Q -- such as legal documents?

21 A It would be a very cursory search, because
 22 the primary focus is on reason for suicide.

1 Q Just hypothetically, you wouldn't have been
2 interested in looking at, I would assume, documents
3 or files that include background information, for
4 example, on potential nominees for Supreme Court
5 judicial nominations, Attorney General, high level
6 presidential appointee positions in the executive
7 branch?

8 A Hypothetically, no.

9 MR. GIUFFRA: Do you have more to say?

10 BY MR. IVEY:

11 Q Legal files like on rules for one year
12 recusal, tort reform legislation, staff budgeting
13 priorities, FOIA guidelines, presidential gift laws,
14 presidential disability procedures, I mean would you
15 have been interested in any of those?

16 A Once we saw the subject of those, it would
17 have just been looking at them, threw them aside.
18 There might have been some folder, loose note in
19 there. As far as looking at those in any detail, no,
20 we won't.

21 Q So say something like a file cabinet, you
22 go into an office and just in a typical office

1 search, you are looking for death note, or I mean you
2 got a suicide case, and you look at a file cabinet
3 and saw that legal stuff alphabetized and it's, or
4 business related stuff, whatever it is, whatever the
5 decedent's business happened to be, that's not stuff
6 you're interested in; is that a fair statement?

7 A Not at this stage unless something would
8 fall out of the investigation that would lead us to
9 believe that there may be something in a particular
10 file that was a reason for his suicide. We may want
11 to see it then. But generally speaking it would have
12 been -- our primary focus would have been on a
13 suicide note, something of a personal nature that
14 might indicate that he was depressed, that he said
15 anything about, some financial reasons.

16 Q Okay. And in the Foster case, that is what
17 you were looking for, or would have been looking for?

18 A That's what we would have been looking for.

19 Q And again you had a chance to look at a
20 diary, some financial statements, I don't know how
21 many, but you did have a chance to look at his
22 financial statements?

1 A Yes -- financial statements, I'm not sure.

2 Q Bank statements I think you said earlier.

3 A We would want to look for that. Whether
4 they did or not I'm not sure.

5 Q Now, you mentioned that you had had some
6 contact with Mr. Collier?

7 A Yes, I did.

8 Q Did he ever express any concerns to you
9 about the Park Police's ability to handle the Foster
10 investigation?

11 A He did not express any concerns to me about
12 that, no.

13 Q Did he ever express any concerns to you
14 about the ability of the Park Police to investigate
15 death cases?

16 A No, he did not.

17 Q Do you have any sense of his understanding
18 of what the Park Police do, what types of cases they
19 investigate?

20 A No, I don't have any sense of what his
21 understanding is. I have a feeling that he basically
22 knows what we do. I'm not sure if he knows how

1 in-depth we get with some cases.

2 Q Now, the reason you contacted him -- well,
3 let me back up. You.

4 Contacted him on, was it July 21, the day
5 after the death?

6 A 22nd, I believe.

7 Q Two days after the death.

8 A And then the next day, I had a conversation
9 with him also.

10 Q Do you recall what he said during those
11 conversations?

12 A During the first meeting when I talked --
13 when I talk to Mr. Collier usually, he usually takes
14 notes and listens. And unless I ask him a direct
15 question, I need to do something about security, he
16 generally does not -- we just don't talk a lot about
17 that, not a lot of small conversation other than how
18 are you doing, something like this.

19 I don't recall the first conversation
20 except the fact that he said that if we needed
21 anything, let him know.

22 The next day when I talked to him -- and

1 that was the day after I had received the report from
2 Hume about what they had to go through in the room --
3 I briefed him on the fact that we did not get to
4 search anything, that we didn't get to look at any of
5 the documents, which is kind of atypical, and that
6 stuff was turned over to the private attorney before
7 it was turned over to us. Normally we get those
8 things firsthand and then we turn them over to
9 private attorneys.

10 And I only recall one thing he said, he
11 asked me and I had asked Hume at some time, did we
12 think that we need to interview the President and the
13 First Lady. And Captain Hume said at the time, no,
14 and this was like on the 22nd or 23rd, I forget which
15 date. And when I talked to Mr. Collier and he asked
16 me that, at the time I said no, I didn't think we
17 needed to.

18 Q Did he ever talk to you about the
19 involvement of the FBI or the Justice Department?

20 A No, not that I recall.

21 Q Do you know if he ever asked that the FBI
22 handle this case as opposed to the Park Police?

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1 A I don't know that.

2 Q Now, at the end of the meeting, I guess he
3 asked you to keep him apprised of how the
4 investigation was going?

5 A Yes.

6 Q And you touched base with him, I would
7 assume, before the investigation closed?

8 A The chief did. The meeting, the meeting on
9 the 23rd was the last meeting I had with Mr. Collier
10 concerning Vincent Foster. The chief talked to him
11 later, and I think Hume and maybe the assistant chief
12 briefed him about the time we were getting ready to
13 close the case. And we were fairly sure it was
14 suicide and that it was going to be classified as
15 such.

16 Q Was there any other contact between the
17 first -- the meetings that you just discussed on the
18 22nd, I guess, and the press conference on August
19 10th?

20 A Not by me.

21 Q Any that you're aware of?

22 A I think that the chief has talked to him

1 prior to that and the chief talked to him about
2 releasing the note. The note was something that the
3 United States Park Police was not going to release.

4 Often in suicides we -- I don't release
5 notes. Of course you've got to understand, most
6 suicides don't get two lines of paper, you know, if
7 anything. So notes are usually not a question for
8 us. But we were prepared not to release the note.
9 And he had asked us about that and we told him that
10 the Justice Department was going to release it.

11 Q The Justice Department made the decision to
12 release it?

13 A They made the decision to release the note.

14 Q Do you know why they decided to release it?

15 A No, I don't.

16 Q Was there any discussion with the Park
17 Police about that?

18 A Well, basically before the press conference
19 I said that we were not going to release the note and
20 he said well, might as well be open and let it get
21 out, you know, let the note say what it is and it
22 will probably quiet the press down.

1 Q This was Mr. Collier?

2 A No, Mr. Collier didn't say that, no, it was
3 the Justice Department. Mr. Collier just, we had
4 told him we were not going to release the note, if I
5 remember correctly, the chief had told Mr. Collier
6 that we're not going to release the note.

7 And it was at the time when we found out we
8 were going to release it that the chief called
9 Collier from the Justice Department and told him
10 Justice was going to release the note.

11 Q Was it Mr. Heymann that you were talking
12 about releasing the note?

13 A It was either Mr. Heymann or the PIO,
14 Mr. Carl Stern.

15 Q Did this take place right before the press
16 conference?

17 A Right before the press conference.

18 Q Now, on July 20th, you got a call at about
19 9:45 at your home?

20 A 9:35, 9:45.

21 Q From Lieutenant Gavin?

22 A From Lieutenant Gavin.

1 Q How often do you get a call from a field
2 commander about a death case?

3 A That's not infrequent. I get quite a few
4 calls from field commanders because my job is a media
5 person and they know there may be some media
6 questions about various things, serious accidents.
7 And generally if it's a homicide they're supposed to
8 call me. In this case, they had the good sense to
9 know that this was a high level White House person, I
10 should be notified.

11 Q To deal with potential media inquiries?

12 A And they notified me the night the plane
13 crashed through the White House, things like this.
14 And there is other minor stuff that is not that
15 newsworthy that they call me about that maybe even
16 local to only the Anne Arundel County paper, you
17 know. It's still something I'll have to deal with
18 them on and none of the other news media picks up on.

19 Q And when he gave you Bill Burton's phone
20 number, was it assumed that you were going to call
21 the White House?

22 A Yes, it was.

1 Q And you made that call you said for
2 protocol reasons?

3 A That was for more protocol and also to find
4 out about, since it was a high level person, find out
5 a little bit more about him, about Mr. Foster. And
6 my primary call was mainly media concerns, about how
7 would we release information and what they want to
8 do. I mean, this was, you know, a fairly high
9 ranking person.

10 Q Who wrote the press release for the Park
11 Police?

12 A Lieutenant Gavin wrote the initial press
13 release.

14 Q And who is lieutenant Cholak?

15 A Lieutenant Cholak.

16 Q Who is that?

17 A He was field commander that relieved
18 Lieutenant Gavin. And he called me around close to
19 midnight, 11:30, 11:45, telling me that well the news
20 was calling him about a statement about the death of
21 Vincent Foster and I said well, we only have a press
22 release that I've agreed not to release his name.

1 They said well, they have his name. So I
2 said well, we've made an agreement with the White
3 House staff -- I said I have -- that I'm not going to
4 release his name. I don't know how they got his
5 name.

6 So it was either Lieutenant Cholak or the
7 midnight supervisor for our communications section
8 who called me around quarter of 1:00 in the morning
9 to say the news was really driving him crazy about
10 wanting some kind of a statement. And I said they
11 know his name, and he said yes, they asked me about a
12 statement of the death of Vincent Foster and his
13 title. And I said well, read him what we have and
14 tell him until we notify all the next of kin, we're
15 not releasing his name.

16 That was my first -- I was fairly upset
17 about all of that because that was an agreement that
18 I'd made about the release of the name. I mean, I
19 just thought that the White House should have called
20 somebody and says we're releasing his name, because
21 that made us look bad for the press, because we have
22 to get along with the press daily here. And by this

1 time, a lot of the media called us or the local
2 people because we're the only ones working, so those
3 are the ones we deal with every day.

4 And you know, here the White House released
5 his name and they didn't let us know, and we made an
6 agreement we weren't going to release his name.

7 Q By the time you spoke with Mr. Burton,
8 Mr. Foster's mother and wife had not yet been
9 notified?

10 A The mother had been notified -- excuse me.
11 The wife had been notified. The mother had not.

12 Q Now, did you ever get any information about
13 the notification of the wife? Did you read any
14 reports about that or talk to any of the
15 investigators?

16 A I have read reports about it and I have
17 talked to Cheryl and Rolla about it, yes.

18 Q And did they tell you that there was a
19 reluctance to talk about Mr. Foster at that point,
20 that they had trouble asking questions at the death
21 notification?

22 A Yes, they did, based on a lot of people

1 coming into the house. I think if they'd have been
2 alone with her for any length of time -- I mean,
3 there are certain protocols you go through. There
4 are certain procedures we go through to normalize
5 people and establish a certain amount of rapport to
6 talk to them. We can do that and often that's our
7 first and our only conversation with people. Later
8 we have more, we get more information. Sometimes we
9 get everything we need right there.

10 Q Now, I guess you also testified last summer
11 that sometimes you don't -- sometimes you don't
12 get --

13 A Sometimes you don't. Sometimes when you
14 notify somebody, the stigma that suicides carry with
15 it, they go into immediate denial. That could be
16 denial, one of the early stages of grief. And
17 sometimes during the impact stage, they don't want to
18 believe that this person would do that. Later when
19 they start getting their thoughts together, they say
20 well, yes, they have been having problems.

21 Q And I guess when you went to brief the
22 White House on the morning of the 21st, you said that

1 the people there seemed to be in a state of shock?

2 A They seemed to be in a state of shock.

3 Q Do you know if Mrs. Foster was interviewed
4 by Park Police after the death notification?

5 A Yes, she was --

6 Q Okay.

7 A -- about a week -- about eight to 10 days,
8 eight, nine days later.

9 Q Do you know if, at that interview, she
10 talked about Mr. Foster's mental state, was she more
11 open?

12 A She was more open about it.

13 Q And what about the co-workers, were the
14 co-workers also interviewed by Park Police?

15 A One time, one time.

16 Q Did some of them also give information
17 about him having --

18 A You know, I don't recall all the
19 information they gave. Some did.

20 Q And this was all during the period when the
21 investigation was still open?

22 A Sure.

1 Q Now, you were asked about the positioning
2 of papers on a desk in an -- when you go look in an
3 office, how it could have some significance. But you
4 would need to know, I guess, the office habits of --

5 A You would.

6 Q -- that person. I mean, my desk looks like
7 I left in a hurry at all times.

8 A If I walked into your office, something
9 happened to you and I saw it all neat, I would say
10 well, something is wrong here.

11 Q But you need to talk to someone that had
12 seen my desk before to know --

13 A Yes.

14 Q -- to know if it's neat, Glenn was, there
15 was something unique going on in Glenn's life?

16 A Uh-huh.

17 Q Okay. And that would be true for
18 Mr. Foster as well?

19 A That's true.

20 Q Have you been involved in cases where the
21 arrangement of the desk and the arrangement of the
22 papers on the desk --

1 A No, I haven't. It's just knowledge,
2 through studies of textbooks about suicides and
3 knowledge about change of -- suicide, the habits of
4 people who commit suicide, that's one of the things
5 they would do. They're neat one minute and messy the
6 next, or if they lose weight or gain weight, any
7 change is one of the indications.

8 Q But you never been in a death case where
9 you know the arrangement of the desk was pivotal in
10 some way?

11 A No, I haven't.

12 Q And Mr. Giuffra also asked you if changing
13 the arrangements of the desk could impede the
14 investigation. Do you think in the Foster case,
15 given the strength of the physical evidence at the
16 death scene, that that was true here?

17 A I really don't think so in this case. If I
18 remember, the lady that rearranged his desk was a
19 secretary for him who walked in and apparently that's
20 a habit she did after every day. She would go in and
21 stack his papers up in a neat order. I think that
22 she testified to that, so we have to accept she did

1 what she would routinely do. And probably once she
2 found out that her boss was dead, she was probably on
3 automatic pilot and that's just how she reacted.

4 Q So you didn't get the sense from your
5 investigators who interviewed her that she was
6 removing documents or, you know, trying to destroy
7 evidence?

8 A I didn't get that sense, no.

9 (Discussion off the record.)

10 BY MR. IVEY:

11 Q When you testified for the committee last
12 summer, you talked about the assassination statute.
13 And I wondered if you could go through it again?

14 A Well, when they first mentioned the AG and
15 our understanding of what I thought the FBI would be
16 involved in this case, if it had been a homicide, I
17 was pretty sure, just from my knowledge, that he
18 would be one of those covered under the assassination
19 statute of a high ranking official in the White
20 House. I didn't know specifically, but I knew that
21 if it was an assassination or a murder, that the FBI
22 would have original jurisdiction in that case.

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1 Q Okay.

2 A So that's why I really wasn't concerned
3 when he said bring the FBI in, maybe they just wanted
4 to see something and look at the facts of the case as
5 we have.

6 Q Okay. And so when you said earlier that it
7 was unusual, highly unusual, normally unusual,
8 whatever, were you speaking in terms of generally or
9 were you speaking in terms --

10 A Generally, when it appears so much that
11 it's a suicide they never, the FBI -- you know, we
12 might tell them about it, we may not. Once it looks
13 like something other than that, we'd be obligated to
14 let them know, we'd be obligated then to assist them.

15 Q Have you had cases that might have
16 implicated the assassination statute before the
17 Foster case?

18 A No.

19 Q And again, the assassination statute only
20 covers executive office -- is it White House
21 employees or like --

22 A I'm not sure. I think it's White House and

1 White House employees. I'm not even sure Cabinet
2 members are covered under it. As a matter of fact,
3 I'm sure they're not.

4 Q So this is -- it's a fairly unique
5 situation?

6 A Yes.

7 Q Given that, I mean were you surprised that
8 the FBI was going to have or the Attorney General was
9 going to have some kind of role in this?

10 A Well, I was somewhat surprised and not
11 surprised. It just didn't phase me too much.

12 Q Okay. I think you said last time that
13 because the Attorney General was the --

14 A Top cop.

15 Q Top cop?

16 A The Attorney General is top cop. If
17 someone wanted to assign the Attorney General to take
18 over that case, the Attorney General could do it.

19 Q You said "I knew what the drill would be.
20 We've had other cases where we've run joint
21 investigations" --

22 A That's exactly right.

1 Q -- "with the Justice Department, normally
2 the FBI so it really didn't upset me much. And I
3 also knew that, in looking at it, the FBI had a legal
4 right to be there, jurisdictional right, and that if
5 we'd come up with some" -- I'm sorry -- "if we'd come
6 up with for some reason there was foul play, it would
7 be in their primary jurisdiction under the
8 assassination statute"?

9 A That's true.

10 Q Okay. Now, at what point did Hume and
11 Markland come back to you and tell you they were
12 having problems with the investigation at the White
13 House?

14 A I don't know the exact point in time. I
15 believe it might have been the evening of the 21st or
16 the 22nd. I think they did -- Hume did tell the
17 chief on the evening of the 21st that he never got in
18 there to look through the offices.

19 Q Was this the same day that you had the
20 briefing with --

21 A That was the same day.

22 Q It was the same day. So it was probably

1 the day after Foster's death?

2 A Right.

3 Q All right. You testified at the -- about
4 the briefing, you said that Bernard Nussbaum came up
5 to you and said that he wanted the FBI involved?

6 A He didn't say FBI, the only time I said
7 that -- I visualized that when he said the AG, that
8 we would be working with the FBI, with the FBI on
9 this case. That's how I thought things would go. He
10 said I want the AG to coordinate this case and if you
11 want to call somebody, I figured well, he'll call the
12 AG. The AG will call somebody else, eventually
13 they'll call Bob Bryant who is the SAC of the
14 Washington field office and he'll send two agents
15 down.

16 That's what I thought would happen. I
17 mean, it just didn't faze me or upset me one way or
18 the other.

19 Q When you said -- and I guess it was part of
20 this same conversation, where you said that they were
21 going to have the office posted, did that surprise
22 you?

1 A That kind of surprised me because I thought
2 it had already been done.

3 Q And you testified earlier you'd called and
4 spoken to, I think it was Bill Burton?

5 A The night before, yes.

6 Q So when he said that the office was going
7 to be posted as opposed to sealed, did you ask him
8 about that, did you?

9 A My understanding, posted and sealed and
10 secured would be the same thing. Post would mean he
11 would probably put a uniformed division Secret
12 Service officer on the door.

13 Q Okay. And when you said earlier you
14 thought posted meant like having when people go in
15 and out, maybe they have a log?

16 A Log them in; it would be secured, it would
17 be secured also.

18 Q And I assume that would mean that only
19 authorized people would be going in and out, not just
20 anybody?

21 A That's true.

22 Q And I guess there is limited access to the

1 White House to start with, so we're talking about a
2 very, fairly narrow range of people?

3 A Yes.

4 Q Do you know if a log was kept?

5 A I believe it was, I believe it was. I
6 don't know who was on it, I don't recall any names on
7 it or anything.

8 Q Do you know if Hume and Markland talked to
9 the people that kept the log at all?

10 A I think they did.

11 Q Did you get any sense of --

12 A No, I didn't.

13 Q In your view, would keeping a log posting
14 the door be equivalent to sealing the office?

15 A Well, at the time I thought it would. In
16 retrospect, no, because posting the door means people
17 can go in, it's just that you keep a record of who
18 goes in, who does not go in, and you have a physical
19 person there to stop unauthorized people from going
20 in.

21 Securing the office would mean that the
22 office is locked. Nobody goes in or out. And

1 someone additionally is posted there to make sure
2 they don't.

3 Q So even if the door is posted and they keep
4 a log, they write down what the people do inside, for
5 example, what's removed or if anything is removed,
6 would that be sufficient?

7 A That would be sufficient for us to gain
8 information that we might need to investigate
9 further. And normally if you post a door, someone
10 goes into it that's authorized, the person standing
11 on the post probably only notes that that person went
12 in there at such-and-such a time, may or may not note
13 that they leave with anything. I doubt if they would
14 go in there and follow them around. I doubt if a
15 uniformed division officer would go into the office
16 and follow the chief of the counsel of the White
17 House around while he's in that office.

18 Q Have you ever seen Foster's office?

19 A No, I haven't.

20 Q Say it's maybe 10 by 12?

21 A I understand it's not a big office.

22 Q Let me ask you to take a look at page 2558

1 from the last year's volume of documents from the
2 hearing.

3 (Witness reviewed the document.)

4 A This was July the 21st. Says "Cliff Sloan
5 replaced trash previously taken from the office."

6 Q Is that the type of log that you would have
7 in mind that should be kept?

8 A That's the type of log that should be kept,
9 yes.

10 Q Let me -- do you know if the doors in the
11 White House counsel's office have locks on them?

12 A No, I don't.

13 Q Did Hume and Markland talk to you about the
14 fact that there were no locks on the doors at all?

15 A No, they didn't.

16 Q Let me get you to take a look at page 2555
17 in the same volume.

18 (Witness reviewed the document.)

19 Now I know that's probably not a document
20 you've ever seen before, but can you tell what it is
21 by looking at it?

22 A It looks like an invoice.

1 Q Can you tell who it's from?

2 A Federal Security Systems.

3 Q Okay. If we look down here, can you tell
4 what they did?

5 A It was emergency service to furnish and
6 install a mortise deadbolt lock.

7 Q And up here where it says "work requested"?

8 A FI deadbolt lock, furnish install.

9 Q What's the job location?

10 A White House west wing, second floor.

11 Q Do you know where Foster's office was in
12 the west wing?

13 A It's on the second floor.

14 Q And emergency service to do it?

15 A Uh-huh.

16 Q How much did the government pay to get this
17 emergency lock put on?

18 A Complete bill was \$354.

19 Q And can you tell when it was done, what the
20 date of it was?

21 A Well, they were called on 7/21/93.

22 Q Can you look down here where it says date,

1 travel, time in and out?

2 A 7/21/93, 11:00.

3 Q So July 21st is the day after Mr. Foster's
4 death?

5 A Yes.

6 Q Do you know at what point Mr. Foster's
7 office was locked?

8 A I'm assuming around 11:00 in the morning of
9 the 21st.

10 Q I don't want to mislead you. I don't know
11 if this is 11:00 a.m. or p.m., but --

12 A I don't know either.

13 Q But your answer is you're not sure?

14 A I'm not sure.

15 Q Would you call it a reasonable effort to
16 secure an office where you post somebody out front,
17 you don't have a lock on the door, you post somebody
18 out front, you keep a log. And this is not just
19 anybody, it's the Secret Service. You keep a log of
20 who goes in and who goes out and what they do while
21 they're inside the office. You call a locksmith for
22 emergency service and have him come in and drill a

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1 hole in the door the next day and install a lock.

2 And then for that expedited service, taxpayers pay
3 350 plus dollars, would you call that a reasonable
4 effort to try to secure the office?

5 A Yes, I would.

6 Q Did you discuss anything about sealing the
7 office with Nussbaum directly after he said posted?

8 A No, I didn't.

9 Q Okay. Is that because at the time you
10 thought when he said posted he meant sealed?

11 A I figured he meant sealed and probably post
12 somebody on the door.

13 MR. GIUFFRA: Both things.

14 THE WITNESS: Both, right.

15 BY MR. IVEY:

16 Q Well, you mean you thought that he would
17 lock the office up and have someone stand guard
18 outside?

19 A I thought so.

20 Q Now, Hume and Markland come back from the
21 White House the day after -- I don't want to quibble
22 about dates -- but it's the day after Mr. Foster's

1 death, and they tell you or Chief Langston --

2 A Chief Langston.

3 Q Okay. I'm sorry. That they're having
4 problems with their investigation. Did they say why
5 they were having problems?

6 A I don't know exactly what they said. But
7 apparently they did not get in to look into that
8 office or interview anyone that particular day, on
9 the 21st of July. I think that they stood around the
10 White House in the lobby, down there for three, four
11 hours and they were kind of perturbed about it.

12 Q And that's understandable?

13 A And that's understandable.

14 Q Because they had a lot to do in an
15 investigation?

16 A Sure.

17 Q And they could have been doing other things
18 than sitting around for four hours?

19 A Yes, yes.

20 Q Did they say why they weren't allowed to go
21 in?

22 A No, they didn't, not to me.

1 Q Did they talk about privileges or anything
2 like that?

3 A They didn't talk to me directly about that.

4 Q Did you get any sense from Chief Langston
5 about those types of matters?

6 A No, I didn't.

7 Q Earlier you talked about when Hume spoke to
8 you that he may have used the word "stonewalled" or
9 did he use the word "stonewall"?

10 A I don't recall if he used the word
11 "stonewall." Later in the week or so that word was
12 attributed to him as one of the words that he used,
13 that they were being stonewalled. I don't recall if
14 he told me that direct or not.

15 Q Oh. Okay. So this was someone in the
16 office or the general conversation?

17 A Sure, general conversation.

18 Q But not Hume saying this to you?

19 A I'm not sure if it was him or not.

20 Q And you also -- I think Mr. Giuffra asked
21 you about the difference between stonewalled and
22 interfered --

1 A Sure.

2 Q -- with the investigation?

3 A Yes.

4 Q You said stonewall is just stop or delay as
5 opposed to interfering?

6 A That would be my interpretation of it, yes.

7 Q What types of things would you consider to
8 be interfering with an investigation?

9 A If they wouldn't allow us to talk to
10 someone or they actually moved some documents that
11 maybe we should see or should not see or.

12 Q So if documents are hidden from you --

13 A Yeah, something like that would be
14 interference.

15 Q That sounds pretty much like obstructions
16 to me, obstruction of justice?

17 A That's true.

18 Q Is that what you meant --

19 A Interference would be obstruction of
20 justice.

21 Q Do you feel, or to the best of your
22 knowledge, was there any obstruction of justice in

1 your investigation with Mr. Foster's death?

2 A Well, let me explain that, and I'm not sure
3 interference itself would be obstruction, I want
4 to -- maybe I misspoke.

5 Q I don't want to put words in your mouth.
6 I'll let you say it the way you want to.

7 A Obstruction would have to be where they
8 really do something blatant to interfere in an
9 investigation. I believe that we had a perception of
10 stonewalling where they stopped us from doing certain
11 things at the time when we normally would have
12 conducted that search and conducted some interviews,
13 and that they're having their legal counsel present
14 during the interview of the witnesses is something
15 that, if it had been a corporation, probably wouldn't
16 have happened. In the conduct of the interview, it
17 may or may not have changed the interview. I don't
18 know how a person who is a secretary would feel if
19 she knows that one of the counsel is there listening
20 to every word she says, of how guarded they would
21 be.

22 So that would be not a blatant obstruction,

1 but I would feel that it could be interference with
2 getting to the truth of what we're looking for.

3 Q Okay. So we've got three levels now.
4 We've got obstruction, interference and
5 stonewalling. Okay. So I'll go back to my
6 question.

7 Do you feel that there was obstruction of
8 your investigation? I take it by what you said that
9 means --

10 A Based on what I know, I would say not. You
11 know, I don't know if any evidence was removed out of
12 that office and what that evidence would have been.
13 So based on that, based on what I personally know, I
14 would say no.

15 Q Okay. Do you have -- do you feel that
16 there is any evidence of obstruction?

17 A I don't think so, not to meet the rules of
18 evidence of what we need to prove a case of
19 obstruction of justice, I doubt if we have it, if we
20 have all the elements there, based on my knowledge.
21 There might be a lot -- I'm just saying based on what
22 I know about the case.

1 Q Sure. It would be fair to say that this
2 could have been handled differently, this could have
3 been handled better?

4 A It could have been handled better.

5 Q Maybe there was some overprotectiveness on
6 the part of some of the people in the White House,
7 particularly the family?

8 A True.

9 Q But I take it from what you are saying,
10 that you're not ready to make the jump and say that
11 the overprotectiveness equals obstruction of justice?

12 A That's true --

13 Q Okay.

14 A -- based on the information that I know.

15 Q I understand. Now you also mentioned
16 security clearances earlier. There was a comment you
17 made off the record about the need to know being the
18 most important part of it. I was wondering if you
19 could repeat that and elaborate on the record.

20 A Well, if you have a top secret clearance
21 that does not mean that you are entitled to see every
22 top secret document or piece of information that the

1 United States has. That means that if you have a
2 need to know that information in the conduct of your
3 business in your work, you have -- you can see it
4 then --

5 Q Okay.

6 A -- and have access to it.

7 Q And there are different grades of these
8 security clearances or different levels?

9 A Top secret, secret. There used to be one
10 called confidential, I don't know if they have that
11 one anymore or not. I think confidential has been
12 downgraded to confidential. It's not a security
13 clearance anymore.

14 Q And I take it from your testimony that the
15 Park Police wasn't interested particularly in
16 Mr. Foster's legal work and didn't really want to
17 peruse that per se. There was a search --

18 A Not really.

19 Q -- for personal information that might be
20 connected with the suicide?

21 A That's what they would have been searching
22 for.

1 Q And I also assume that there would have
2 been no need to know if there was any top secret
3 information in Foster's office, the Park Police
4 wouldn't have had a need to know the substance of
5 that?

6 A That's true unless we -- unless we were
7 looking in his office and some of that might have
8 been linked to the reason for his suicide.

9 MR. IVEY: Can we take a break?

10 (Recess.)

11 MR. IVEY: Where did we leave off?

12 (The reporter read the record as requested.)

13 BY MR. IVEY:

14 Q Let me ask you about the box issue that was
15 raised in this, in the press conference.

16 Just so I'm clear, your understanding is
17 that there was no knowledge about a box being removed
18 at the time of the press conference, but it was a
19 burn bag?

20 A It was a burn bag.

21 Q In this article that Mr. Giuffra gave you
22 from The New York Times, it had this -- it quotes you

1 as saying "I don't have any idea whether they were
2 all brought back or not. I could only trust that
3 they were but I would never bet money on it or say
4 for sure."

5 You said you hadn't spoken with this
6 reporter?

7 A I might have spoken to another reporter at
8 the time and he just wrote the article.

9 Q Do you recall making that statement in
10 there?

11 A I recall making the statement that I was
12 not sure, that we had to trust that they brought it
13 back, and I was referring to the burn bag, not a box.

14 Q And the other quotes in here are from the
15 press conference, if I'm not mistaken?

16 A Sure.

17 Q Now, you say that Markland had mentioned
18 something about a box subsequent to the
19 investigation, their first attempt at the
20 investigation at the White House. When was that that
21 he mentioned it to you? '

22 A Recently. I didn't know anything about a

1 box until recently.

2 Q So that was -- when you say "recently," you
3 mean within the last few months?

4 A In preparation for Mr. Starr's grand jury.
5 Then questions began to surface about a box, people
6 began to call and say what about this box and I'd say
7 I don't know about a box.

8 Q He told you in the context of dealing with
9 the media inquiries?

10 A Yes.

11 Q Was it your sense that -- well, let me ask
12 it this way: If it had been something that was
13 vitally important to the case, you think it's
14 something you would have learned about earlier?

15 A What do you mean?

16 Q The box, I mean you knew about, in reading
17 reports you knew about factors surrounding the death
18 scene, the interviews, medication, contacting
19 doctors, phone logs, contacting friends, you knew all
20 about that stuff?

21 A And the burn bag.

22 Q And the burn bag. Why is it you think you

1 hadn't heard about the box earlier?

2 A I don't know.

3 Q If it had been something vitally important
4 to the case, you think you would have heard about it
5 earlier?

6 A Well, I mean it could have been an
7 oversight. It was not any of the written documents,
8 supplemental reports that Markland or anybody
9 prepared. Apparently it was in notes, that he talked
10 to one of the White House staffers about a box, who
11 somebody told him they saw a staffer bring down from
12 the second floor.

13 Q Okay. And your recollection is that
14 Markland learned that it was not necessarily from
15 Foster's office but off of an elevator or from --

16 A That's what he was told. That's probably
17 why he never put anything in the report at the time.
18 He didn't place too much value on it.

19 Q Are you aware of any evidence that connects
20 this box to Foster's office?

21 A Not to my knowledge.

22 Q You said earlier that personal documents

1 were reviewed from Mr. Foster's office?

2 A Yes, I did.

3 Q And that there was nothing there that shed
4 any light on the suicide?

5 A That's true.

6 Q Do you know, was there any attempt to look
7 for documents at Mr. Foster's house?

8 A No, there was not.

9 Q Why was that?

10 A I don't know.

11 Q Was there any discussion about trying to
12 get more documentation from the Foster household at
13 all?

14 A No.

15 Q In your experience investigating suicides,
16 would it be fair to say that sometimes information
17 relevant to motive for a suicide could be found as
18 easily at the house as in an office?

19 A Could be.

20 Q Would it be -- would you characterize the
21 Park Police investigation of the death of Mr. Foster
22 as a thorough investigation?

1 A Yes, I would characterize it as a thorough
2 investigation for us to prove the point that he
3 committed suicide. Traditionally what we look for in
4 a suicide, the scene, the fact he had a gun, the fact
5 that his wound was such that he could inflict upon
6 himself and the fact that we determined that he had
7 motive and reasons to take his own life.

8 Q And you determined --

9 A We determined -- those are three things you
10 look for.

11 Q You determine motive through interview of
12 co-workers?

13 A Interview of co-workers, his family and the
14 note was very critical.

15 Q The note which was, I guess you
16 characterized it earlier as almost a de facto suicide
17 note?

18 A Well, it's hard to say it was a suicide
19 note, but it was notes of grievances that expressed
20 some of his concerns and he was very upset with life
21 in Washington. And then you have to compare with
22 what his life was like. And based on what our

1 knowledge of suicides are in the field, was very much
2 in preventing suicide as investigating suicides and
3 that's why we study it in police work so much -- is
4 that he had a lot of telltale signs. He had a change
5 in his life-style, he had recently moved here to
6 Washington and, you know, you think well, he's moving
7 to Washington, he's working in the White House.
8 Whoopie.

9 I bet in the Rose Law Firm he had an office
10 as big as this room here. And he's in a 10-by-12
11 office on the second floor of the west wing of the
12 White House, and that's a big change for him. And he
13 was not in control of everything that he had been in
14 Arkansas being the deputy vice counsel. It's a high
15 job, but Washington, nobody's got that much control.
16 It's all a vacuum of power that people connected into
17 and maybe he just was not comfortable with that.

18 He was away from his family for some time.
19 He was away from the normal activities that he had.
20 So he had some rough going and he was very -- had a
21 lot of pride in his work, so you put all that
22 together -- he was being criticized in the newspapers

1 and everything else, put everything together, that's
2 when you come up with your conclusion of suicide.

3 Q And what about the physical evidence, what
4 parts of the physical evidence were compelling for
5 you?

6 A Well, the physical evidence, number one,
7 was the gun was there, it was in his hand. It was
8 stuck. It would have been hard to place that gun in
9 his hand like that because one would have had to cock
10 the hammer. We would have probably got a fingerprint
11 although we were not able to get good prints off the
12 gun, it's not all that unusual.

13 Also the scene was not a violent scene in
14 that the ground was not all that disturbed in that
15 everything there was conducive to a self-inflicted
16 gunshot wound. There was some things that may not
17 have been as typical as other suicides. That could
18 have been the nature of the weapon, the type of
19 round, a lot of things.

20 Q With the exception of the information you
21 got from the death scene, all the other information
22 you got was from White House, friends, colleagues,

1 co-workers, family members or information from them,
2 such as the phone numbers for doctors, potential
3 lawyers, phone logs and that sort of thing. Is that
4 a fair statement?

5 A That's true.

6 Q You got the suicide, or the torn note from
7 the White House seven days after the death?

8 A Uh-huh, yes.

9 Q I think you said that the way the
10 investigation was handled that the White House wasn't
11 perfect?

12 A It was not. According to like, like we
13 would have liked to handle a suicide.

14 Q Ultimately the Park Police got all the
15 information they needed to make a thorough
16 investigation; is that fair?

17 A Ultimately we think so, yes.

18 Q And to reach a conclusion that I take it
19 you don't have much doubt in your mind about, if any?

20 A I don't have much doubts at all.

21 Q Are there other -- are there any facts or
22 pieces of evidence out there that might lead you to

1 think that this might have been a homicide?

2 A Not in my mind. But I think there is a lot
3 of newspaper articles, and journalists who are
4 writing things that really, you know, there are
5 questions to be asked and there are things that we
6 read about in story books.

7 But the facts of the case are that Vincent
8 Foster, if he was not a high ranking official in the
9 White House, if he was not a friend of the President
10 of the United States, if he was a shoe salesman, we
11 wouldn't be here right now. The facts would speak
12 for themselves that he commit suicide.

13 Q We'll leave the conspiracy theories aside.
14 Is there any doubt in your mind that he committed
15 suicide?

16 A No.

17 MR. IVEY: No more questions from me right
18 now.

19 MR. GIUFFRA: All right. Just a couple
20 more.

21 EXAMINATION

22 BY MR. GIUFFRA:

1 Q Insofar as you know, after July 22nd, which
2 would be the day when Mr. Nussbaum was dividing up
3 the documents in Mr. Foster's office, there were
4 no -- there was no security in that office other than
5 normal security? I mean there wasn't a guard posted,
6 the office wasn't sealed?

7 A What, right now?

8 Q No, between the 22nd, after the 22nd of
9 July, was that office sealed?

10 A I don't know.

11 Q You don't know?

12 A No, I don't.

13 Q You don't know how long the posting was?

14 A No, I don't.

15 Q Now, you testified that the note, you
16 believe, was very critical evidence?

17 A Yes, it was.

18 Q And there was a discussion in colloquy
19 earlier about obstruction of justice and
20 stonewalling. If someone had taken that note out of
21 Mr. Foster's office on the night he died and removed
22 it and then maybe brought it back, do you think that

1 might constitute obstruction of justice?

2 A What's the crime?

3 Q Taking evidence from a potential crime
4 scene and removing it, maybe doing something to it
5 and then maybe putting it back?

6 A Sure, if we're investigating a homicide.
7 It had -- I mean, we would have liked to have had
8 that note. If that note was there and they moved it,
9 definitely it would have been, you know, it would not
10 have been something we would want to see or something
11 to happen, but how can we say it was really
12 obstruction because we're not looking at a homicide,
13 we're looking at a suicide. Depending on
14 jurisdiction, suicide may or may not be a crime.
15 We've never prosecuted anybody for suicide.

16 Q You would regard that as an interference of
17 your investigation?

18 A It would be an interference with the
19 investigation. Whether that would reach the
20 threshold where we could make an obstruction of
21 justice case, you're all the lawyers. You got to
22 look at it.

1 Q Maybe that's the problem, to even get into
2 this whole line of questioning. Just a couple more.

3 Now, if documents had been removed from the
4 office and not put back, you would view that as some
5 sort of an interference in your investigation?

6 A I would but I don't know if any documents
7 were removed or not.

8 Q This is all hypothetical.

9 A Well, yes, hypothetically, that would be.

10 Q What kind of interference?

11 A That could have been interference.

12 Q What about the destruction of documents
13 taken from his office?

14 A Well, that might have been interference.
15 It may or may not have related to his suicide. I
16 don't know.

17 Q With regard to your use of the word
18 "stonewalling," do you think that fairly
19 characterized --

20 A I think that's fairly characterized. I
21 think that was our perception.

22 Q Of what happened on the --

1 A Of what happened.

2 Q You were stonewalled, the Park Police were
3 stonewalled?

4 A That's our perception, yes.

5 Q And that is a fairly strong perception
6 among Park Police officers?

7 A It is among the rank and file members and
8 from top down, that's probably the perception we all
9 have.

10 Q You were stonewalled?

11 A Yes.

12 Q There was a little bit of discussion about
13 documents, what documents you might search. If there
14 was a document on Mr. Foster's desk which had
15 Whitewater Development Corporation, might you have
16 asked -- and that was right on top of his desk, you
17 might have asked questions about Whitewater
18 Development Corporation?

19 A That's very hypothetical. For instance,
20 provided that they had a counsel there and they were
21 with us to search everything. If we're in there
22 alone, they just watched us, we looked at it and say

1 what's this about, or we might not have.

2 Q Might you have asked somebody about what is
3 this document, this thing right on his desk?

4 A They might have, they might have looked at
5 it and said well, our investigators would more than
6 likely. And I've stated this before, we at that
7 time, July the 21st, 22nd, anything in that time
8 frame, we wouldn't have known Whitewater from a
9 white-tailed deer.

10 Q Let me ask you just a couple other
11 questions.

12 A And it's strictly a guess whether they
13 would have asked a question on Whitewater or not. If
14 there wasn't something in that document that kind of
15 jumped right out at them to cause him to commit
16 suicide, you know, or maybe give us cause for
17 concern, we would probably have just put it aside and
18 forgotten about it and not worried about it.

19 Q With regard to Mr. Collier, just so the
20 record is clear, have you testified as to all
21 communications that you had with Mr. Collier?

22 A To the best of my knowledge.

1 Q And the substance of those conversations?

2 A Yes.

3 Q And have you also testified, insofar as you
4 know, all conversations that the chief had with
5 Collier?

6 A As far as I know. Now, you have to
7 remember we're talking about things that occurred in
8 1993.

9 Q During the relevant period.

10 A In that time, in that time, that's, to the
11 best of my recollection, that's the conversations
12 we've had with him.

13 Q Any conversations that you recall where
14 Collier discussed the need to remove the Park Police
15 from the investigation?

16 A Not to my knowledge.

17 Q Just one last bit. There was some
18 testimony about the presence of White House attorneys
19 during some of these interviews. Did you view that
20 as irregular?

21 A It's something we normally don't see and
22 like I say, the only thing is that it might interfere

1 in the conduct of our investigation in that some
2 people might not be as open with us because they have
3 someone there; especially if we started talking about
4 reasons, does he have motives, or his whatever, they
5 may not know exactly where they stand and what they
6 should reveal to us.

7 Q The witness might think that the lawyer
8 would report back to the superiors?

9 A Sure.

10 Q Do you know if the Park Police
11 investigators asked to be able to question the
12 witnesses without the presence of attorneys, the
13 White House attorneys?

14 A Did we ask that?

15 Q Yes.

16 A I don't know.

17 MR. GIUFFRA: I have no further questions.

18 EXAMINATION

19 BY MR. IVEY:

20 Q Back on the hypotheticals here.

21 Mr. Giuffra asked you about taking out documents or
22 destroying documents or evidence. Do you know of

1 any -- is there any evidence here that any documents
2 were destroyed from Mr. Foster's office?

3 A Not to my knowledge.

4 Q And as far as taking documents out, I
5 assume the question was in the context of
6 obstruction, and you spoke about a homicide.

7 Wouldn't it also be important as to what
8 was taken out, I mean just for taking something out
9 of an office, that's not obstruction; right? It
10 would have to be something that would be relevant to
11 your finding as to the cause of death?

12 A Hypothetically --

13 Q Hypothetically?

14 A -- that could be correct. But
15 hypothetically, how would we know if it's relevant or
16 not if they took it out and we never saw it.

17 Q Well, hypothetically the documents, the
18 topics of things I was asking you about, budget,
19 biographical information for presidential appointees,
20 that type of information?

21 A No, that wouldn't be of interest to us.

22 Q Okay. I assume you're speaking in terms of

1 things like diaries, things you spoke about earlier,
2 diaries, phone logs, suicide note, I can't take it
3 anymore, clear indications that this was a man on the
4 brink?

5 A Most of what we would look for would have
6 been things that are fairly in the open, you know,
7 that we could see, because most suicide people, most
8 of them -- some of them do try to hide their notes,
9 most of them leave them out where they can be found
10 without a lot of searching. I mean, they sometimes
11 don't put them on the mirror, but they'll leave them
12 where they can be found relatively easily.

13 Q Okay. So things like the President's tax
14 returns or documents for setting up a trust for the
15 child of the President or something like that, not
16 stuff you're interested in, stuff that was -- that
17 was work related, and I take it from what you've said
18 earlier, it wouldn't provide any indication about --

19 A Had we seen that stuff, though, here's the
20 point. We probably wouldn't be interested in it, the
21 fact that we had known it existed probably didn't
22 have anything to do with his suicide. But later if

1 somebody raises a question, we could say, it was not
2 relevant to our investigation, and it may or may not
3 be privileged.

4 But if one, for example, one of the things
5 you just tell us about became an issue for us, not
6 that it was in his office, it was on his person, it
7 had to do with a bunch of numbers, and some
8 initials. It was in the paper that was released from
9 a report that we found.

10 Q In the wallet?

11 A In the wallet. And how it got to the paper
12 we don't know, but that caused us concern because we
13 had no idea what that was. And actually one of the
14 secretaries was able to tell us right away what it
15 was. So if we see documents and we have -- that's
16 when we have someone there, we say what is this, they
17 say this is what it is.

18 We see, for instance, a Whitewater document
19 and say was he doing it in preparation for tax
20 return. We probably wouldn't have paid any attention
21 to it. It didn't cause Vincent Foster to commit
22 suicide.

1 Q You might have been interested in his tax
2 returns?

3 A Because it showed maybe he's in financial
4 difficulties, yes.

5 Q Now, as far as removal of the note, the
6 White House ultimately provided the note to the Park
7 Police or it was provided through the Justice
8 Department?

9 A Well, it was to the chief of staff and if I
10 recall reading the information from last year, they
11 had a lot of high powered people to decide to release
12 that note to the Park Police.

13 Q In fact, the reason it was at the
14 Department of Justice was because they wanted to get
15 their opinion as to whether this is something that
16 they should give to you in your investigation?

17 A Sure.

18 Q Would you consider that interference with
19 your investigation?

20 A I would. I considered that because that
21 note should have been released to us as soon as they
22 found it. And we have ways to process the note to

1 find out that it is his, to read the note and, you
2 know -- and the fact was if it was in his briefcase
3 the whole time, if it was in his briefcase, we would
4 have found it.

5 Q So you know they provided the note to
6 you --

7 A They provided the note for us later and it
8 didn't change the final event that we ruled and still
9 believe that Mr. Foster took his own life, the note
10 was a crucial piece of evidence; it would have been
11 nice to have that note earlier on.

12 Q Yeah, but the question I asked was even
13 though they provided the note to you, you feel that
14 they interfered with your investigation?

15 A I feel it was interference for a time, you
16 know.

17 Q And do you feel -- I guess it was a 30-hour
18 time lag roughly to the time they discovered it and
19 gave it to you?

20 A Yes.

21 Q And you spoke about closing the case
22 earlier, so perhaps you would have closed it a day

1 earlier?

2 A Perhaps.

3 Q Maybe not?

4 A Well, you know how it is. Whether it
5 affected our final findings or anything, it's just
6 perception that there was some interference there
7 that we had, we felt that perception was definitely
8 stonewalled and, you know, all these discussions
9 about the note. 30 hours, we just didn't feel that,
10 you know, you could see them discussing, people
11 putting the note together, reading it, saying we
12 better get this to the Park Police, get them over.

13 We started changing custody and going
14 through the rigmarole of having the FBI analyze the
15 note and seeing if there are any fingerprints on it.
16 And then determining who wrote the note, we basically
17 did.

18 Q Would you feel that -- is it the time that
19 makes you, is it the time lag that makes you feel it
20 was interference or is it the fact that it was shown
21 to other people?

22 A Both.

1 Q So if they'd, you feel if they'd provided
2 the note to you quickly it wouldn't have been
3 interference?

4 A It wouldn't have changed our final
5 conclusion.

6 Q Well, I follow you there, but let's say
7 that they found the note, pieced it together just
8 like you said and called within an hour, you wouldn't
9 feel that that was interference with the
10 investigation?

11 A Well, here's what we feel like. If they
12 would have pieced the note together, called us, left
13 it, not touched it, but apparently when we got the
14 note it was in an envelope and it was not pasted, we
15 had to put it together again.

16 So several people apparently -- I'm just
17 supposing -- somebody else had to put this note
18 together and then put it back in an envelope like
19 that.

20 So in a way, if it was a real evidence, it
21 had been contaminated. So we might have got -- we
22 were not able to get any discernible prints off it

1 other than palm print, so you know, it was hard to
2 trace who all touched that note.

3 Q So you feel it was potentially interference
4 because of the potential loss of fingerprints?

5 A Could have been.

6 Q Do you know what was done with the note
7 after Detective Megby took it back to police
8 headquarters?

9 A He took it back to the CIB, I think it was
10 put together, photographed and the note was sent to
11 the FBI for fingerprint analysis, or maybe the
12 Capital Police for fingerprint analysis.

13 Q Didn't he put it under Captain Hume's door
14 for him to pick up in the morning?

15 A I don't remember.

16 Q Do you recall if it was treated -- was
17 it -- do you recall if it was put, like, directly in
18 an evidence locker when he got it back to Park Police
19 headquarters?

20 A I don't remember.

21 Q You also mentioned, I guess, other people
22 looking at the note as part of your reason for

1 feeling it was interference. Why do you feel that
2 makes it interference with your investigation?

3 A I just think it would have been, it would
4 have been a cleaner, clearer investigation once they
5 determined it was a note, it was there, that it
6 should have been turned over to the Park Police
7 immediately.

8 Q I'm not challenging that.

9 A That's just my whole reason.

10 Q Okay. As far as the interference would go,
11 you feel this was substantial interference with your
12 investigation?

13 A Didn't change our findings.

14 Q So it is interference but not relevant
15 to --

16 A That's true.

17 Q -- the investigation? Okay.

18 MR. IVEY: No more questions.

19 EXAMINATION

20 BY MR. GIUFFRA:

21 Q Let me ask one very quickly. We've had all
22 this discussion of interference. And we've had --

1 the Park Police, as you know from handling the press
2 in this, is coming under some criticism.

3 A Uh-huh.

4 Q Your answer would be yes?

5 A My answer is yes.

6 Q There have been all these conspiracy
7 theories surrounding the death of Vincent Foster?

8 A Yes.

9 Q Do you believe -- just answer the question,
10 you won't get another one from me -- that if the Park
11 Police had been able to do what it normally would do
12 in one of these investigations, that a lot of what
13 has happened since might have been avoided?

14 A I believe that 100 percent.

15 MR. GIUFFRA: That's it.

16 MR. IVEY: Well, let me ask because I don't
17 know what that means.

18 EXAMINATION

19 BY MR. IVEY:

20 Q What types of things would have been
21 avoided?

22 A I believe if we would have walked into that

1 room on the 21st, looked through that office like
2 what most of our investigators would look for, we
3 would have walked out of there, that would have
4 been -- there wouldn't have been a question about
5 it. We would have handled it routinely. This would
6 not be an issue today, at least for the question of
7 his death. Now, I can't address all the other stuff.

8 Q You mean whether his death was a suicide or
9 not?

10 A I believe so.

11 Q Well, I'm sorry, but let me ask a few more
12 questions. The conspiracy theories that we've seen
13 are based on things like not finding a bullet at the
14 death scene, lack of blood, bone fragments at the
15 death scene?

16 A Yes.

17 Q Questions about Park Police moving the body
18 at the death scene, questions about him being too
19 clean at the death scene, questions about his body
20 being laid out too straight at the death scene,
21 questions about not enough blood loss due to the
22 shot, all of this is at the death scene?

1 A True.

2 Q And what you found at the office or didn't
3 find at the office wouldn't have changed any of that,
4 is that a fair statement?

5 A That's a fair statement. But let's put it
6 in the context, though, of when the first issues, you
7 know, after his suicide, nobody ever questioned the
8 death scene investigation. All of them are not
9 always perfect. We all make mistakes.

10 But there was, in that time questioning of
11 the conduct of the investigation at the White House,
12 early on, that was an issue and that just fed some
13 other stuff to somebody to go back and look at the
14 death scene to raise all of these questions which are
15 just sometimes things like that happen.

16 You don't have blood, bone fragments all
17 the time and truthfully, I've seen a lot of gruesome
18 scenes before than what we saw, but some of it was
19 blatantly not correct, because you've had Mr. Fisher,
20 a group has looked at it, you've had all kinds of
21 forensic people look at the scene and say he
22 committed suicide, yes, he committed suicide in Fort

1 Marcy Park.

2 I guess it starts with the first premise.

3 Had we gone into there and investigated it, there
4 would never had been any kind of conflicts or no
5 perceived conflicts in the investigation; it would
6 have been over with.

7 Q Are you aware of the theories that have the
8 Park Police as part of the conspiracy to hide the
9 true facts behind Foster's death?

10 A I'm aware of it, yes.

11 Q I take it you don't put any credence into
12 those?

13 A No, I don't.

14 Q Why would the Park Police having a chance
15 to look at his office undermine that theory? If
16 you're part of the conspiracy, what would the Park
17 Police going into the office do to answer all of
18 those questions about these conspiracy theories?

19 A It would probably add to it more. The fact
20 is that in that part of the investigation which is
21 not how we normally handle the suicide, and there is
22 probably plenty of reasons why the White House did

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1 what they did. I don't know. They don't have to
2 explain them to me.

3 Q I don't want -- I'm not going to try to
4 take you back into that. But your answer that this
5 was -- there would be no questions if you'd been --

6 A That is just my belief. That was, that was
7 the first area that we got questioned on a lot, about
8 why we were not allowed to do some normal routine
9 searches of the office. The questions about the
10 scene did not come until later almost six months
11 later when a reporter named Chris Rudy started
12 writing about it and asked about it, and then wrote
13 some things that were not factual.

14 Q Didn't people ask you at the August 10
15 press conference about the fact that no bullet was
16 found? Didn't they ask you questions about no
17 fingerprints on the gun at the press conference?

18 A I think they did, yes.

19 Q And that was the first time that your
20 report on this death had become public?

21 A Right.

22 Q So there were questions about the death

1 scene investigation from the beginning; isn't that
2 true?

3 A But after that press conference, I had no
4 inquiries from August the 8th until December the 20th
5 about the scene, that scene. And only one reporter
6 started calling and asking about the scene.

7 Q Let me ask you this too: Part of
8 Mr. Fiske's investigation dealt with whether
9 Mr. Foster committed suicide because of matters
10 related to Whitewater Development Corporation. You
11 recall that?

12 A Yes, I do.

13 Q Okay. Now, you said earlier if there was a
14 document on his desk that had Whitewater Development,
15 you --

16 A We wouldn't notice that.

17 Q But given the political nature that
18 Whitewater has taken on, can you imagine that this
19 might still be an issue particularly here in the
20 Congress?

21 A Had they asked us we would have said well,
22 we saw something there about Whitewater but it didn't

1 mean anything to us.

2 Q You might have said I don't know?

3 A Or I don't know, yes.

4 Q Because we didn't know what it meant at the
5 time?

6 A That's true.

7 Q Does that mean there wouldn't be any
8 questions about Mr. Foster's death if you'd been able
9 to go in and look at the desk?

10 A It means to me that the investigation would
11 have been cleaner, that's all it means, and that was
12 our first question, about not being able to conduct
13 ourselves as we normally do inside the White House.

14 Q I understand. But does that mean that
15 there would have been no questions left about
16 Mr. Foster's death?

17 A In my mind, I don't think there would have
18 been any.

19 Q You would be convinced it was a suicide?

20 A I'm convinced it was a suicide.

21 Q And as far as open questions about whether
22 a bullet was found wouldn't deter you from thinking

1 that it's a suicide?

2 A We can explain that. That's easily
3 explained. It's a wooded area. It's easy to explain
4 why there was no bullet found.

5 Q There would still be some things that are
6 not answered?

7 A Sure, and there always is.

8 MR. IVEY: Okay.

9 MR. GIUFFRA: Let me just very quickly --
10 this is a factual matter that I don't think anybody
11 has ever asked.

12 EXAMINATION

13 BY MR. GIUFFRA:

14 Q In terms of the media inquiries that you
15 got, the initial media inquiries were all about the
16 office search for, you know, the period after say you
17 had announced it was a suicide --

18 A Well --

19 Q -- was about what happened?

20 A Was about what happened on the scene and
21 after that starting on Monday following that and I'll
22 admit that I was not here then, another person was

1 there, and they started questioning us then about the
2 officer, which we did not answer. We just said we
3 had a certain protocol and that's how we went about
4 the office search. There were things that I read
5 about in the newspaper that our guys, before I read
6 about them in our reports, that, I don't know, things
7 we never released.

8 Q But the continued -- just the initial
9 inquiries after that were all about the office search
10 and the documents in the office?

11 A About two, three weeks then, there was no
12 questions. Basically from the middle of August until
13 December, there was no questions at all about Vincent
14 Foster. We thought, you know, it was over with.

15 Q All right. Then this guy started up?

16 A Yes.

17 MR. GIUFFRA: I don't have any more
18 questions.

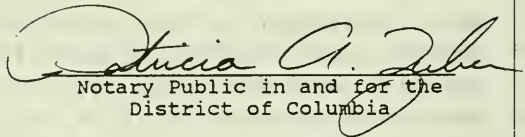
19 (Whereupon, at 1:25 p.m., the deposition
20 was concluded.)

21 -----
22 ROBERT H. HINES

CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, PATRICIA A. ZUBER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.


Notary Public in and for the
District of Columbia

My Commission Expires FEBRUARY 14, 2000

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NATIONAL PARK SERVICE
SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE C

JURISDICTION United States Park Police TYPE OF INCIDENT Death Investigation RESULTS OF INVESTIGATION	MONTH 07 DAY 20 YEAR 93	CASE INCIDENT NUMBER 10509	CLASSIFICATION OF INCIDENT Suicide
--	--	-------------------------------	--

Synopsis/Conclusion

On 7/20/93 at approximately 1800 hours this Department was notified by an anonymous caller that a dead body was discovered by a citizen at Fort Marcy, Virginia. The caller was subsequently identified by USPP Investigators and it was determined that a W/M, approximately 50 years of age, driving a white Chevrolet work van, had discovered and reported the body to the previously unidentified caller. This person has not been identified.

The decedent was identified as Vincent W. Foster, Deputy Legal Counsel to President Clinton. Notification to Mr. Foster's wife was made and an autopsy performed on 7/21/93. The autopsy and resulting toxicology revealed no signs of pre-existing health problems, alcohol or drug usage by the decedent. The cause of death was a "perforating gunshot wound to the mouth - head".

Interviews conducted at the White House revealed that Mr. Foster had left his office on 7/20/93 at approximately 1310 hours. Mr. Foster, who was always instantly accessible in the past, did not answer an electronic page initiated by Mr. Bernard Müssbaum, Chief Counsel to the President, at 1830 hours. The White House issued pager had been recovered by investigators at the death scene. The pager had been turned off.

Further investigation and calls from citizens support a finding that Mr. Foster drove into Fort Marcy, at approximately 1445-1800 hours, by himself in the vehicle found at the scene.

The investigation has revealed that Mr. Foster was, within the past two weeks, experiencing a great deal of difficulty handling the stress associated with his office. He had considered seeking psychiatric help, and was provided with several doctors names by a family member. He had confided in his wife his difficulties and had recently tried to set aside family time to relieve some stress. The Foster family doctor was contacted in his home State of Arkansas. The doctor prescribed an anti-depressant drug and one tablet was consumed by Mr. Foster on the evening before his death. (**the 50 mg tablet of Trazodone is an extremely low dosage; and is not to be considered to be a contributing factor).

The revolver recovered at the scene of Mr. Foster's death (from his hand) had probably been passed down to Mr. Foster after

DATE	CLERK'S NOTES	1010 FIELD - NOTIFIED	11 INVESTIGATOR - NOTIFIED	PAGE 1 OF 2 PAGES
OPEN	CLOSED BY	ARREST	DETENTION	QUINQUED
ING OFFICER	WITNESS	DATE	INVESTIGATOR	DATE

UNITED STATES DEPARTMENT OF JUSTICE
NATIONAL PARK SERVICE
SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE 13

States Park Police
DEPT
Investigation

DATE DIED OCCUR	MO	DAY	YEAR	CRIMINAL INCIDENT NUMBER
07	20	1993	1993	1210502
RECLASSIFICATION OF INCIDENT Suicide				

RESULTS OF INVESTIGATION

his father's death. A family member stated that it "looked like a gun that (they) had seen in (his) father's collection". According to the executor of Mr. Foster's estate there would be no record of weapons by serial number to document the collection. There was no record of a firearms registration current or pending for the weapon in the District of Columbia by Mr. Foster on the date of his death. An ATF trace revealed that the weapon, which bore two serial numbers, was last documented in legal transactions in 1913.

A handwritten note that the White House Counsel's Office reported they found on 7/26/93 and was turned over to this Department on 7/27/93 documents the observations of a very disturbed and overworked individual who sees himself as having failed the Clinton Administration. The note was examined by Mr. Foster's wife who declared that it was her husband's handwriting. The questioned document was compared, by an expert, to documents known to be handwritten by Vincent Foster. The expert's findings concluded: "Both the Known and Questioned Documents were completed by the same writer/author and that writer/author is known as Vincent W. Foster."

The delays presented by White House Counsel's Office and the circumstances surrounding the production of the "note" are being investigated by the Federal Bureau of Investigation and are not a consideration in the instant "Death" investigation.

Based on the aforementioned synopsis of the facts and circumstances presented, the writer requests that the investigation be "Closed" and that the Manner of Death ruled as "Suicide".

DATE NOTED	DATE NOTIFIED	DATE INVESTIGATOR NOTIFIED	DATE PAGE 1 OF 2 PAGES
DATE FOLLOWED	DATE FOLLOWED	DATE FOLLOWED	DATE FOLLOWED

2ND STORY of Level 1 printed in FULL format.

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August 11, 1993, Wednesday, Late Edition - Final
Correction Appended

NAME: Vincent W. Foster Jr.

SECTION: Section A; Page 1; Column 4; National Desk

LENGTH: 1624 words

HEADLINE: Note Left by White House Aide: Accusation, Anger and Despair

BYLINE: By R. W. APPLE Jr., Special to The New York Times

DATELINE: WASHINGTON, Aug. 10

BODY:

In a note that mixed fury with despair, Vincent W. Foster Jr., the White House lawyer whose death last month has been ruled a suicide by the police, said he was not meant for "the spotlight of public life" in a city where "ruining people is considered sport."

The text of the letter was disclosed today by the Justice Department in an effort to quiet speculation about the death of the 48-year-old deputy White House counsel, an Arkansas lawyer who was a lifelong friend of President Clinton. But instead it raised a number of puzzling new questions, few of which were answered in Administration briefings.

In the note, which was found torn into 27 pieces in his briefcase six days after his death, Mr. Foster attacked the Federal Bureau of Investigation, the news media, the Republican Party and the White House Usher's Office, which oversees the day-to-day operation of the Executive Mansion. He spoke of plots, lies and cover-ups, and several of his accusations are now the subject of criminal investigations.

Note Was Unsigned

"I made mistakes from ignorance, inexperience and overwork," Mr. Foster wrote. "I did not knowingly violate any law or standard of conduct." He added: "I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport."

Law-enforcement officials said the unsigned, undated letter bore no fingerprints, only a smudged, unreadable palm print, although they confirmed that the handwriting on it, in a precise script, was Mr. Foster's. A photocopy of the reassembled document, shown to reporters, had an unexplained triangular blank space where the writer's initials or signature might have been written.

The text and tone of the letter contradicted both the initial assertions by Mr. Clinton and the White House staff that Mr. Foster's death was an inexplicable tragedy and the White House's later characterizations of the letter as vague and confused jottings that gave no hint of any specific motivations.

The New York Times, August 11, 1993

After the text was made public, Administration spokesmen suggested, without quite saying so, that Mr. Foster had been deranged when he wrote the letter. Mark D. Gearan, the White House communications director, said he had suffered "a loss of perspective." Speaking of Mr. Foster's accusation that the Usher's Office had plotted against Hillary Rodham Clinton and her decorator, Kaki Hockersmith, to inflate the cost of renovations in some rooms at the White House, Mr. Gearan said there had been no such plot.

"Vince was much more troubled than anyone had any inkling of," said Mrs. Clinton's press secretary, Lisa Caputo.

Delay at White House

After being missed in an initial search on July 22, the note was found on July 26, the Justice Department said. But it was not turned over to investigators by the White House until 30 hours later -- a delay attributed by the White House to the need to let Mr. Foster's family and the President see the fragments first. Chief Robert E. Langston of the United States Park Police, which conducted the initial investigation into the death, said his officers "certainly weren't pleased" about the delay.

"Our investigators would have liked to have seen that briefcase and would have liked to have examined the contents of it," he added, saying that the White House counsel, Bernard W. Nussbaum, had searched the briefcase on July 22 "out of sight of our investigators" and F.B.I. agents who were also there that day.

Robert Bryant, who heads the F.B.I.'s Washington field office, said the White House explanation of the delay was reasonable, although he added, "We probably would have liked it to be a little sooner" when the agency got the note.

A tangled dispute over whether a box of papers had been taken from Mr. Foster's White House office after his death added to the air of uncertainty settling over the case.

This afternoon, Chief Langston of the Park Police said a box of materials had been removed from the office before his investigators arrived on July 21, the day after Mr. Foster's body was found in a park on the Virginia side of the Potomac River. He said the materials were subsequently returned to the office, but he asserted there was no way to be sure that nothing had first been removed.

This evening, Major R. H. Hines, a spokesman for the Park Police, said that either Mr. Nussbaum or one of his assistants had removed the materials. He added: "I don't have any idea whether they were all brought back or not. I could only trust that they were, but I would never bet money on it or say for sure."

Mr. Nussbaum insisted that Mr. Hines was mistaken and that he had not removed any materials. He said tonight: "I removed nothing from Foster's office on July 20. This is totally made up. The Park Police have interviewed me several times, and they never talked about any box."

Contacted again tonight, after Justice Department officials had talked to him, Chief Langston said it was possible that a cleaning crew had removed the materials. "I'm not sure it wasn't trash; or it could have been personal

The New York Times, August 11, 1993

effects," he said.

One possible source of the confusion, Justice Department officials said, was that a trash bag was removed from the office that night and later returned. They said a box containing personal effects was given to Mr. Foster's lawyer, but not until July 22. The police inspected it several days later.

In his letter, Mr. Foster accused the F.B.I. of lying in a report to the Attorney General. The reference appears to be to a report, never made public, that the F.B.I. prepared for the Justice Department, describing how it became involved in the investigation of the White House travel office.

It was largely on the basis of this report that the Justice Department concluded that the F.B.I. had engaged in no wrongdoing in the travel office affair, in which the F.B.I. began a criminal inquiry after several travel employees were dismissed amid accusation of financial improprieties. The accusations have thus far not been proved.

Justice Investigation

The little-known travel office became a self-inflicted crisis for the Clinton White House, which had operated in part on the advice of Mr. Foster and other White House lawyers.

Some Justice Department officials said today that the F.B.I. report was little more than a superficial review of the agency's role. Nevertheless, the report may have left Mr. Foster with the idea that the F.B.I. blamed the White House and failed to accept responsibility for its willingness to enter the case.

Today, Philip B. Heymann, the Deputy Attorney General, said that Mr. Foster's accusations about the F.B.I. as well as the underlying F.B.I. report, are under investigation by the Office of Professional Responsibility, the Justice Department's watchdog unit.

A second accusation in Mr. Foster's letter also related to the travel office affair. Mr. Foster asserted that "the press is covering up the illegal benefits they received from the travel staff." He gave no details, but the use of the word "benefits" suggested that he was referring to the practice of the travel staff of not enforcing customs regulations with much stringency on trips abroad. Both reporters and members of the White House staff sometimes exported things, like caviar from the Soviet Union, where export was restricted, and sometimes failed to make complete customs declarations when they returned to the United States.

Perhaps the most confusing accusation was Mr. Foster's assertion that the Republican Party "has lied and misrepresented its knowledge and role and covered up a prior investigation." That statement also appeared to refer to the travel office brouhaha, but there was no record of a prior inquiry.

C. Boyden Gray, White House counsel under President George Bush, said today, "I can't think of anything that would have any remote resemblance to an investigation."

Issue of Renovations

Ms. Caputo said Mr. Foster had been given two estimates on the White House renovations, one in March of this year and another, higher one in June. She said "Vince was concerned" about the costs even though all of the renovations were being paid for with private funds through the White House Historical Association.

"There was miscommunication between the Usher's Office and Kaki," the press secretary said. "Kaki imposed deadlines. She didn't understand it would mean overtime. She didn't realize how much work was involved or the magnitude of it. We don't believe that there was any plot here."

Ms. Hockersmith, a Little Rock designer, installed new curtains in the Oval Office, among other things.

The final attack in Mr. Foster's letter was reserved for The Wall Street Journal, which has described him in editorial as part of a nefarious Little Rock cabal in the Administration. He wrote, "The WSJ editors lie without consequence."

Robert L. Bartley, The Journal's editor, called attention to an editorial printed in the paper last Friday. It said: "There is no way to cover national government on the assumption that a high official and steeled litigator secretly suffers from depression and may commit suicide if criticized. What we said about Mr. Foster was nothing compared to the abuse heaped on the likes of Ed Meese, Robert Bork and Clarence Thomas."

It was not clear when Mr. Foster wrote the note, or what its purpose was.

Today at the White House, aides sought to play down the significance of the note's assertions of wrongdoing, but its discovery caused a powerful reaction among senior White House aides. Mr. Nussbaum telephoned Thomas F. McClarty 3d, the chief of staff, who along with David R. Gergen, the counselor to the President, were in Chicago with Mr. Clinton on a trip.

CORRECTION-DATE: August 12, 1993, Thursday

CORRECTION:

A boxed textual explanation yesterday, with the article about Vincent W. Foster Jr., the deputy White House counsel who was found dead on July 20, gave the wrong date in some editions for a Wall Street Journal editorial that mentioned him. The editorial, about Mr. Foster's role in dismissals of White House travel office employees, appeared on July 14, not on June 14.

GRAPHIC: Photos: Vincent W. Foster Jr. (Associated Press) (pg. A1); United States Park Police officers, who conducted the initial investigation into the death of Vincent W. Foster Jr., said the White House counsel, Bernard W. Nussbaum, or an assistant had removed a box from Mr. Foster's office not long after his body was found. Mr. Nussbaum spoke yesterday with Attorney General Janet Reno at the swearing-in ceremony for Justice Ruth Bader Ginsburg. (Paul Hosefros/The New York Times) (pg. A12)

The New York Times, August 11, 1993

PAGE 6

Charts "Foster's Note . . ."

I made mistakes from ignorance, inexperience and overwork

I did not knowingly violate any law or standard of conduct

No one in the White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was no intent to benefit any individual or specific group

The FBI lied in their report to the AG

The press is covering up the illegal benefits they received from the travel staff

The GOP has lied and misrepresented its knowledge and role and covered up a prior investigation

The Ushers Office plotted to have excessive costs incurred, taking advantage of Kaki and HRC

The public will never believe the innocence of the Clintons and their loyal staff

The WSJ editors lie without consequence

I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport.

". . . and What It Might Have Meant"

Above is a text of a note the White House says was found in the briefcase of Vincent W. Foster Jr., the White House deputy counsel, who died of what the authorities have called a self-inflicted gunshot wound in a park in Virginia July 20.

The note was found in torn up pieces in the bottom of a briefcase in Mr. Foster's office July 26 by an associate who was packing up the late White House lawyer's belongings, the White House has said. It was made public today by the Justice Department, which is investigating Mr. Foster's death. The department said the punctuation is Mr. Foster's.

Here are possible explanations for some of the references in the note.

The FBI lied in their report to the AG.

This sentence apparently refers to a report, never made public, that the FBI sent to the Attorney General describing how it became involved in the investigation of the White House travel office. The White House dismissed several staff members of the travel office amid allegations of wrongdoing, but said later the action was made too hastily and that the travel officials had committed no crimes.

The report suggests that other White House lawyers, not Mr. Foster, said they would take the matter to the Internal Revenue Service if the F.B.I. declined

The New York Times, August 11, 1993

to investigate, an implied threat that Presidential aides have denied making. White House counsel Bernard Nussbaum later acknowledged that his office had erred in contacting the F.B.I. directly rather than going through the Attorney General, as is traditional.

The press is covering up the illegal benefits they received from the travel staff.

The travel office makes arrangements for the White House press corps to accompany the President on its travels. In effect the staff members are travel agents, booking about \$10 million worth of travel a year for news organizations. F.B.I. officials have said that their investigation of the travel office has so far uncovered no wrongdoing. Those who travel frequently on presidential trips say the travel office has, on occasion, allowed reporters to bypass customs inspections.

The GOP has lied and misrepresented its knowledge and role and covered up a prior investigation.

C. Boyden Gray, White House counsel to President Bush said he knew of nothing even remotely like such an inquiry of the travel office.

The Usher's Office plotted to have excessive costs incurred, taking advantage of Kaki and HRC.

The Usher's Office runs the White House household staff. Kaki apparently refers to Kaki Hockersmith, a Little Rock designer who is working on renovation of White House living quarters and some other rooms. HRC is Hillary Rodham Clinton.

Lisa Caputo, Mrs. Clinton's press secretary, said today Mr. Foster was concerned when estimates of the cost of the work rose from \$250,000 in March to \$377,000 in June. But Ms. Caputo said there appeared to be no impropriety. The extra costs, she said, came from tight deadlines imposed by Ms. Hockersmith. The renovation is being paid for by private funds raised for the purpose.

The WSJ editors lie without consequence.

In the weeks before Mr. Foster's death, The Wall Street Journal published several highly critical editorials on the White House counsel's office, concentrating on Mr. Foster and other Arkansas lawyers from the Rose firm in which Mrs. Clinton and Mr. Foster had been partners who had joined the Administration. One on June 17 was headlined 'Who is Vincent Foster?' Another, which mentioned him in connection with the travel office, ran on June 19, the day before his death. (pg. A12)

LANGUAGE: ENGLISH

LOAD-DATE: August 11, 1993

**DEPOSITION OF MICHELLE D. MACON
IN RE: S. RES. 120**

WEDNESDAY, JUNE 21, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of MICHELLE D. MACON, called for examination pursuant to notice of deposition, at 10:07 a.m. in Room 640-A of the Hart Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
LANCE COLE, Esq.
Minority Deputy Special Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

TIMOTHY M. FOLEY, Esq.
BILL CLANCY, Esq.
U.S. Secret Service
Office of Chief Counsel
1800 G Street, NW
Room 842
Washington, DC 20223
On behalf of the Deponent.

ALSO PRESENT: TASHIA URLAND

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EXHIBITS

Michelle D. Macon DEPOSITION NUMBER	IDENTIFIED
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PROCEEDINGS

Whereupon,

MICHELLE D. MACON

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. JOHNSON:

Q Good morning, Ms. Macon. We've had an opportunity to introduce ourselves off the record. Let me officially do it again for the benefit of the record. My name is Everett Johnson. I'm one of the attorneys working for the Majority staff of the Senate Special Committee investigating Whitewater and related matters, and for purposes of this deposition investigating the handling of the documents and the investigation into the death of Vince Foster. We're here today pursuant to Senate Resolution 120 by which the Senate authorized this investigation.

Let me ask you, first of all, whether you've had your deposition taken previously, not in connection with this matter but just generally?

A Yes, I have.

4

Q You're probably pretty familiar with the procedures, but let me spend a moment or two on the procedures that apply here this morning just so we won't have any confusion. Ms. Baker is our shorthand reporter and she'll make a verbatim transcription of the questions that I ask you and the answers that you give. And it's important to her in doing that that you, first of all, allow me to finish the question before you answer it. And second, that you answer with a verbal response, not with gestures or other sort of nonverbal communication. She can't transcribe those.

I'll ask you a series of questions this morning. I will try and be as clear as I can possibly be in those questions. I assure you that nothing that we're going to ask you is intended to trick or to deceive you in any way, so if a question is confusing, please feel completely free to say you don't understand a question and we'll try and work around something that's understandable.

If you feel the need to consult with your counsel at any time, feel free to do that. If you'd

1 like a break at any time, just say so and we'll take
2 a break. I don't expect that we're going to be here
3 very long. When I finish my questions, Mr. Cole will
4 ask you any questions that he may have and the same
5 general rules will be applicable to his questions.

6 Any questions about the procedure so far?

7 A No.

8 Q Before coming to the deposition today, did
9 you meet with anyone to prepare for the deposition?

10 A My counsel.

11 Q And who was present in that meeting, other
12 than your counsel?

13 A Just counsel and myself.

14 Q Did you have any other meetings or
15 conversations relating to the testimony that you
16 would give here today?

17 A No.

18 Q You weren't contacted by any other officers
19 or anything of that kind about the testimony?

20 A No.

21 Q Why don't you take, if you would, 30
22 seconds or so and describe your service history with

1 the Secret Service.

2 A Okay. I was appointed to the Secret
3 Service uniformed division in 1989. I spent five
4 years, 5-1/2 years at the White House branch. I was
5 just promoted in January to the rank of sergeant and
6 now my current station is the foreign missions
7 branch.

8 Q You started in 1989 and for five years you
9 were assigned to the White House; is that correct?

10 A That's correct.

11 Q And during that five years, where were you
12 stationed in the White House?

13 A I had various posts. I was -- I started
14 out at the southwest gate. Our appointments, which
15 is called the WAVES Center, Workers and Visitors
16 Appointments Center and my last assignment was tours,
17 the special operations section.

18 Q In roughly July of 1993, where were you
19 stationed?

20 A Special operations section.

21 Q That's the tours?

22 A Tours.

1 Q During your five-year period in which you
2 worked in the White House, were you ever stationed as
3 a normal duty station in the west wing of the White
4 House?

5 A No. I might have filled in on the weekends
6 when the regular person was not there.

7 Q Do you think of yourself as being generally
8 familiar with the layout of the west wing?

9 A Yes.

10 Q You knew where, for example, the counsel's
11 office was?

12 A Right.

13 Q And the President's office and that sort of
14 thing?

15 A Yes.

16 Q Ms. Macon, to whom -- in July of 1993, to
17 whom did you report directly?

18 A To Lieutenant Purdie, Jeff Purdie.

19 Q And what is Mr. Purdie's --

20 A He's the lieutenant of the special
21 operations section.

22 Q Let me ask you -- I'm going to list a

1 series of names and my question was really the same
2 for each of them and that is whether or not you would
3 recognize that person. And these are generally
4 people who worked in or around the White House in
5 July of 1993.

6 Would you recognize Bernard Nussbaum?

7 A No.

8 Q Would you have recognized Mr. Foster,
9 Mr. Vince Foster?

10 A Yes.

11 Q Would you recognize Maggie Williams?

12 A Yes, I would.

13 Q Patsy Thomasson?

14 A Yes.

15 Q I take it you'd recognize Mr. McLarty?

16 A Yes.

17 Q What about Mr. Neel, would you have
18 recognized Mr. Neel at that time?

19 A Is that the individual that works in the
20 press office?

21 Q Actually, I think it's not.

22 A Okay. So no.

1 Q We keep struggling with his title. We
2 think he was deputy chief of staff.

3 MR. COLE: Deputy chief of staff's office
4 at that time.

5 THE WITNESS: No.

6 BY MR. JOHNSON:

7 Q Would you have recognized a fellow by the
8 name of Cliff Sloan?

9 A No.

10 Q What about a Mr. Livingstone, would you
11 have recognized Mr. Livingstone?

12 A Yes.

13 Q Who is Mr. Livingstone?

14 A He was in charge of security.

15 Q Secret Service?

16 A Right. I don't know his title, but he was
17 in charge of the White House security.

18 Q Not Secret Service, but White House
19 security?

20 A Right.

21 Q Would you have recognized a fellow by the
22 name of Neuwirth? I believe it's spelled

10

1 N-e-u-w-i-r-t-h.

2 A No.

3 Q It goes without saying you would recognize
4 the President and the First Lady?

5 A Yes.

6 Q You mentioned, I think, at one point that
7 you had been stationed at the control center; is that
8 correct?

9 A Yes.

10 Q And can you tell me, without revealing
11 anything confidential, what the control center is --
12 not where it is, but what the control center is?

13 A Where?

14 Q Not where, but what.

15 A Control center personnel is responsible for
16 the -- maybe the alarms, the west wing -- the whole
17 complex. We're responsible for any reports to be
18 done, emergency or watch commanders' journals.

19 Q One of the duties is to monitor the access
20 alarms for the interior offices in the west wing; is
21 that right?

22 A That's correct.

1 Q When generally did you work at the control
2 center?

3 A From the years '90 to probably '91.

4 Q I'll just ask you a couple of general
5 questions about that, if I could. Did you have a
6 specific set of procedures as the officer at the
7 control center that you would follow when an alarm
8 light or an alarm indicator went off?

9 A Yes.

10 Q Let me just ask you, generally speaking,
11 what those were at the time -- and I understand that
12 there may be others, Tim, who can give more detailed
13 answers -- I take it in a lot of the internal alarms
14 people are authorized access to offices?

15 A That's correct.

16 Q And one of the things we've come to learn
17 in the counsel's office is that people who have a key
18 can enter the counsel's office and that will set off
19 an alarm, wouldn't it, if the alarm was on?

20 A That's correct.

21 Q And then they would call the control center
22 and identify themselves; is that right?

12

1 A That's correct.

2 Q Other than hearing the name of the person
3 calling and checking it on the access list, do you
4 verify that the person you're speaking with is, in
5 fact, who he purports to be in any other way?

6 A No.

7 Q And when someone accesses an office, does
8 the officer in charge of the control center inquire
9 whether anyone else is with the person who accessed
10 the office?

11 A No.

12 Q So if a person has authorized access, they
13 are then, at least in terms of the control center,
14 perfectly free to bring anyone in the office with
15 them so long as they're authorized to be in the
16 office?

17 A They're responsible.

18 Q Generally speaking -- and again, if you
19 need to consult with your counsel about whether
20 there's anything confidential here, please feel free
21 to do so. What if an alarm is activated and you
22 don't get a telephone call, what then is the

1 procedure that the officer of the control center
2 would follow?

3 A The control center would immediately send
4 an officer up to that location.

5 Q To investigate why the alarm went off?

6 A That's correct.

7 Q Would the officer who went up maintain any
8 kind of record about that investigation?

9 A He would have to call -- he would call back
10 to the control center and let him know what the
11 situation was.

12 Q Suppose, hypothetically, that someone went
13 into the office for whatever reason, forgot to call,
14 but that person is authorized access to the office.
15 When the officer gets up there and sees that person,
16 does anyone make a record of who it is that was in
17 that office?

18 A Yes, because it would have to be placed in
19 the system. There's a system -- any time a room is
20 accessed and an alarm goes off, you have to place
21 that name in the system.

22 Q Would you place the name of the officer who

1 investigated, or would you place the name of the
2 person in the office?

3 A Probably just the name of the individual
4 that accessed the office.

5 Q So if, hypothetically, an alarm went off
6 and you went up there and you found someone who
7 obviously has access -- Mr. Nussbaum -- in the
8 office, hypothetically he just forgot to call, the
9 officer would call you and say everything's okay, it
10 was Bernie Nussbaum? Is that roughly how that would
11 go?

12 A Yes.

13 Q And you would enter into the system what
14 name?

15 A The person who accessed the room.

16 Q In my hypothetical, you would enter
17 Mr. Nussbaum's name?

18 A That's correct.

19 Q In your experience in the White House --
20 strike that, Julie.

21 When you were at the control center, did
22 you from time to time have an occasion to see when

1 the cleaning people entered various offices?

2 A For -- well, it varied from east wing to
3 the west wing. It might have varied sometimes if the
4 regular cleaning person was out, so it varied.

5 Q Let me confine my questions to the west
6 wing and just generally speaking, assuming that it
7 might be different on any given day, generally
8 speaking, when does the cleaning crew come around?

9 A Usually in the evening.

10 Q Early evening, late evening? Is there a
11 pattern?

12 A Generally, there's a pattern because they
13 have to be escorted, so there's a pattern. Usually
14 late evening.

15 Q I'm not trying for any artificial precision
16 here, but put a time frame on roughly when you think
17 they would come around.

18 A I would say maybe perhaps between maybe
19 9:00 and 11:00, if that's close enough.

20 Q That's very helpful. Thank you. And when
21 the cleaning people enter offices, I take it they're
22 not authorized to enter the offices alone?

1 A That's correct.

2 Q Who accompanies them?

3 A There's a -- on our schedule, there are
4 certain individuals who do escorts for the cleaning
5 crew or whatever assignment they have.

6 Q Those are Secret Service officers, I take
7 it?

8 A That's correct.

9 Q So let me give you a different
10 hypothetical, just to sort of get the procedure
11 down. Suppose a Secret Service officer is accessing
12 the White House counsel's office for cleaning and
13 you're on the control center. Whose name do you
14 enter in the log when they flip the switch and grant
15 access?

16 A Generally -- we just can't put "cleaning"
17 so it might be the officer at that point in time.

18 Q And to the best of your knowledge, is there
19 any way to tell from looking at a log that reflects
20 that an officer accessed the office, whether or not
21 that was for cleaning or for some other purpose?

22 A Yeah, they can put "officer-cleaning"

1 crew."

2 Q Would that have been your practice to do
3 that?

4 A I don't remember.

5 Q Would you have sometimes just put the
6 officer's name without putting "cleaning crew" on
7 there?

8 A Basically, I think I would have put just
9 the cleaning crew.

10 Q Other than the time when you worked at the
11 control center in '90 and '91, I think you said, am I
12 correct in concluding that you didn't have
13 responsibility for security or activities in the west
14 wing other than on those day off occasions?

15 A That's correct.

16 Q And I take it -- strike that, Julie, if you
17 don't mind.

18 Do you remember what shift you worked,
19 Ms. Macon, if you did work on July 20th, the day
20 Mr. Foster died?

21 A I'm assigned to special operations so
22 that's shift day work.

1 Q There are no evening tours?

2 A Yeah, but not that day -- not that
3 particular weekend, I don't think we had any.

4 Q So what are the hours of the day shift?

5 A 6:30 to 2:30.

6 Q You're assuming that on July 20th, assuming
7 you weren't sick or anything, you worked from 6:30 to
8 2:30?

9 A That's correct.

10 Q That was a Tuesday?

11 A Yes.

12 Q When did you learn of Mr. Foster's death?

13 A On the news. I think it was the news.

14 Well, I think it was the news. I'm not really sure.

15 Q Do you think you learned late that evening
16 or early the next morning?

17 A I can't remember.

18 Q And you came to work on the 21st of July,
19 which was a Wednesday, I assume, at 6:30 in the
20 morning as well?

21 A That's correct.

22 Q And there came a time in that day when you

1 were assigned to a different duty in the west wing;
2 is that right?

3 A That's correct.

4 Q Can you tell me how that happened?

5 A My immediate supervisor, Lieutenant Purdie,
6 came and said he needed someone to secure
7 Mr. Foster's office until the inspectors and whoever
8 got down there to the location.

9 Q Approximately what time of day was that?

10 A I believe it was between 10:30 and 11:00.

11 We were coming from guided tours into public tours
12 and that's what time it usually starts.

13 Q Do you recall Inspector Purdie saying we
14 need to secure it until the officers get here for the
15 investigation?

16 A That's correct.

17 Q Did he say anything else about the purpose
18 for securing the office?

19 A He stated that no one was supposed to go
20 into the room. Only authorized personnel.

21 Q Did he say who "authorized personnel" were?

22 A Basically, he told me do not get into a

20

1 pissing match with the staff members or whatever
2 else. The office is supposed to be closed off until
3 the investigators get in there. If you cannot keep
4 someone from going up, get the name, time and then --

5 Q Don't physically stop them from going in if
6 they want to go in?

7 A Right.

8 Q But make a record of who goes in?

9 A Right.

10 Q And then, I take it -- do you remember
11 there being any other instructions? Did you have any
12 instructions with respect to whether or not anybody
13 could remove documents from the office or take
14 documents into the office?

15 A No, nothing was supposed to be taken from
16 the office.

17 Q What about putting something in the
18 office? Did you have any understanding about that?

19 A No.

20 Q I asked such a terrible question that your
21 answer is confusing.

22 What was your understanding about whether

1 anybody could put documents in the office?
2 A My instructions were the office was closed
3 off.
4 Q Nothing should come or go?
5 A Come in or go, right.
6 Q Do you recall what time you assumed the
7 station outside of Mr. Foster's office on that day?
8 A I believe it was about 11:00 a.m.
9 Q How long were you there?
10 A I don't remember if it was from 11:00 to
11 12:00 or 11:00 to 1:00. I can't remember if it was a
12 two-hour slot. We were supposed to work in two-hour
13 increments before I was pushed, but I'm not sure I
14 stayed the entire two hours.
15 Q You're certain it was not longer than two
16 hours?
17 A Right.
18 Q Where were you physically standing in the
19 suite?
20 A Actually, when you come into the -- not his
21 office, but the outer office with the secretary, I
22 was actually standing right beside the entranceway,

22

1 not to his office, but into his secretary's office or
2 his secretary's seat.
3 Q You were standing outside that entranceway?
4 A Outside.
5 Q Could you see the door to Mr. Foster's
6 office from where you were standing?
7 A Yes.
8 Q And when you arrived at approximately 11:00
9 on the 21st, was that door open or closed?
10 A It was open.
11 Q You're sure? You have a vivid memory of it
12 being open?
13 A Uh-huh.
14 Q Was anyone in there?
15 A No.
16 Q Could you also see into Mr. Nussbaum's
17 office when you arrived from your duty station?
18 A Yes.
19 Q Was his door also open?
20 A Yes.
21 Q Was there anyone in his office?
22 A I don't believe -- I don't remember, but I

1 don't think anybody was.

2 Q Do you believe Mr. Nussbaum was in that
3 office?

4 A No.

5 Q I take it there were some secretaries and
6 clerical staff in the reception area where you were
7 standing?

8 A Yes.

9 Q Do you remember today who was there?

10 A The names? No.

11 Q Without the names, do you have a mental
12 image of whether there were men or women or both?

13 A There were two ladies and one gentleman.

14 Q Let me give you some names and see if they
15 resonate with you. I can tell by the look on your
16 face you don't think they will.

17 Betsy Pond?

18 A No.

19 Q Ms. Gorham?

20 A No.

21 Q Have you ever heard the name Tom Castleton
22 before?

1 A No.

2 Q So you don't know whether it was
3 Mr. Castleton who might have been the man in the
4 office?

5 A Well, give me a description.

6 Q Oh, God, I've never seen him. Why don't
7 you give me a description.

8 A It was a younger --

9 Q College-age guy, do you think?

10 A Yes.

11 Q Do you remember anything about whether it
12 was light hair, dark hair, anything of that kind?

13 A Brunette.

14 Q Did you have any conversations with any of
15 the individuals in the outer office during your time
16 there?

17 A No.

18 Q Not even chitchatty conversations?

19 A No.

20 Q That strikes me as unusual. I believe you
21 completely, but does the Secret Service have
22 operating instructions not to talk with people?

1 A No, but most people think we do, so they
2 tend not to talk to us.

3 Q And I take it as you were stationed there,
4 you felt comfortable that you could see everything,
5 anybody who attempted to go in or out, you felt
6 comfortable you could see them?

7 A Yes.

8 Q Did anybody attempt to go in or out during
9 the time you were there?

10 A Yes.

11 Q Tell me what you remember about that.

12 A Basically, a small gentleman, gray hair,
13 glasses, attempted to go in. I had no idea who he
14 was. I told the gentleman that the office was
15 closed, Mr. Foster's office was closed off. He said
16 I just want to get something. I said well, the
17 office is closed, and I've been instructed not to let
18 anybody in. He said I just want to get a picture, I
19 just want to get a picture and I still told him I'm
20 sorry, you cannot go. So what? I want to get the
21 picture of Vince and the President, we're all in this
22 picture and I've just got to get this picture.

1 So I said, sir, I don't know who you are
2 and at that time he told me he was Mr. Nussbaum,
3 because I had no idea who he was. And I said well,
4 sir, I cannot let you go in. He's like well, do you
5 know who I am? I said no. He said well, I'm on --
6 whatever his title was -- and so I said well, sir, if
7 you go in I cannot let you go in by yourself. I'll
8 go with you. At that time he went in and picked up a
9 picture off the desk and I followed him back out the
10 door.

11 Q Anything else you recall about that
12 conversation or that entry into the office?

13 A Nope, he just wanted -- he just wanted to
14 go in and get the picture.

15 Q Is it fair to say you tried to stop
16 Mr. Nussbaum from going in there?

17 A That's correct.

18 Q What was the tone in this conversation you
19 described? Was it friendly or was it less than
20 friendly?

21 A It was pretty much friendly.

22 Q You didn't ever have the sense that he was

1 insisting to go in or that you couldn't stop him even
2 if you wanted to?

3 A I got the impression that he was not going
4 to be stopped, but it wasn't -- he wasn't nasty or
5 any nasty tone or anything.

6 Q You physically accompanied Mr. Nussbaum
7 into the office, I take it?

8 A Yes, I did.

9 Q How long would you say that you and
10 Mr. Nussbaum were in the office?

11 A A minute.

12 Q Where was the picture physically located?

13 A I believe it was a smaller table -- a
14 square table to the left of the desk. And he just
15 went over and he picked his picture up, said he
16 wanted to show it -- because he was in the picture
17 and Mr. Foster was in the picture.

18 Q I know this will seem extraordinarily
19 trivial. Maybe it's even more trivial than it will
20 seem. Was the picture on top of a credenza or was it
21 in a drawer?

22 A It was on top.

28

1 Q It was a framed photograph?

2 A Actually, it wasn't framed at all.

3 Q Was it laying on top?

4 A Uh-huh.

5 Q Was it laying flat on the surface?

6 A Uh-huh.

7 Q Did Mr. Nussbaum walk directly to it?

8 A Yes.

9 Q Was it your impression that he already knew
10 where it was?

11 A Yes.

12 Q Did he say how he knew where it was?

13 A No.

14 Q As you walked in the door, could you see
15 it, or was it laying flat on the surface in a way
16 that you couldn't see it?

17 A I wasn't -- I had no idea what he was going
18 for, so that picture didn't --

19 Q Leap out at you?

20 A Right.

21 Q Let me -- just to extend the trivialness,
22 to the best of your recollection, Mr. Nussbaum didn't

1 walk around at all, he went right to the picture?
2 A That's correct.
3 Q Was it your impression that he had been
4 there before?
5 A With him walking directly over to the --
6 yes.
7 Q What else transpired? Did he just
8 physically pick up the picture -- did he show it to
9 you after he picked it up?
10 A No.
11 Q How do you know what was in it? Did you
12 see it?
13 A When he exited the office, the two
14 secretaries, he had shown it to the two secretaries
15 and later on -- a couple minutes later, say 15
16 minutes later, he showed it to the President. The
17 President came down.
18 Q The President came physically into --
19 A The reception area.
20 Q The reception area. Was the President
21 accompanied by anyone?
22 A I don't remember. I don't remember if the

1 agents were there or they stayed out in the hall. I
2 can't remember.
3 Q Do you know whether someone called the
4 President or do you have the sense that he just
5 wandered by?
6 A The reception -- the receptionist had said
7 that the President was coming down to show his
8 sympathy or console the members of the office.
9 Q Did the receptionist say that before or
10 after Mr. Nussbaum went into the office?
11 A I think that was our -- I believe that was
12 already the talk of the office when I had arrived at
13 the reception area.
14 Q So even before you got there at 11:00, they
15 were talking about the President coming down?
16 A Right. I believe they already knew.
17 Q I take it the President did not enter
18 Mr. Foster's office?
19 A No.
20 Q Where did the President physically stand
21 when he was there?
22 A When you directly come in the door, there

1 were three desks and he stood at the one right in the
2 middle.

3 Q How long was he there?

4 A About five minutes at the most.

5 Q Did he deliver a speech or a talk of any
6 kind, or did he just chat with people?

7 A It was just a chat --

8 MR. FOLEY: We're not going to get into the
9 President's conversations.

10 MR. JOHNSON: Well, we might.

11 MR. FOLEY: I understood the ground rules
12 for this that Secret Service personnel would not
13 discuss the overheard conversations of the
14 protectees, and the President is obviously our number
15 one protectee.

16 MR. CLANCY: That's in the correspondence.

17 MR. JOHNSON: Why don't we go off the
18 record for a second.

19 (Recess.)

20 BY MR. JOHNSON:

21 Q Ms. Macon, before we took a break, we were
22 discussing the President's visit to the White House

1 counsel's office that morning. Can you place in time
2 how quickly after Mr. Nussbaum removed the photograph
3 from Mr. Foster's office the President arrived in the
4 White House counsel's office?

5 A It could have been maybe 10, 15 minutes
6 later.

7 Q And just so I'll be clear, before we get
8 back to that, when Mr. Nussbaum removed the
9 photograph from Mr. Foster's office, where did he
10 take it?

11 A Off a side table.

12 Q I'm sorry, when he physically left the
13 office, where did Mr. Nussbaum go with the
14 photograph?

15 A He showed it to the receptionists or the
16 secretaries.

17 Q And did you see what happened to it after
18 that? You don't have any recollection of whether he
19 left it with the secretaries or whether Mr. Nussbaum
20 took it back into his own office or anything of that
21 kind?

22 A He still had it -- no, I'm not really sure

1 what the end result was, whether he took it back to
2 his office, no.

3 Q Was Mr. Nussbaum still in the reception
4 suite showing the photograph to the secretaries when
5 the President arrived?

6 A To my knowledge -- all I can remember is
7 when the President came, the two secretaries were
8 there. I'm not really sure if Mr. Nussbaum came in
9 after the President or if he was still there, because
10 some time had passed, so I'm not really sure.

11 Q Your best memory is within 10 or 15 minutes
12 of you and Mr. Nussbaum going into Mr. Foster's
13 office, the President then arrived in the counsel's
14 office; is that correct?

15 A Repeat that.

16 Q Within 10 or 15 minutes of the time that
17 you and Mr. Nussbaum went into Mr. Foster's office,
18 the President then came down to the counsel's suite?

19 A Once we came out?

20 Q Yes, ma'am.

21 A Right, that's correct.

22 Q Who was physically present in the counsel's

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1 suite when the President was there?

2 A Two secretaries, a gentleman and the
3 President.

4 Q The same people that you described earlier?

5 A Yes.

6 Q And was Mr. Nussbaum there?

7 A Yes.

8 Q And you were there, obviously?

9 A Yes.

10 Q Was there anybody else there?

11 A No.

12 Q There were no other Secret Service agents
13 there, to the best of your knowledge?

14 A No, I believe they were in the hall.

15 Q How long do you estimate that the President
16 remained in the counsel's office?

17 A I believe he was there no more than five
18 minutes.

19 Q And during that period of time, did he --
20 and please refrain, for the moment, from describing
21 the content of any conversations. I just want to
22 talk about placement of individuals. Did he have any

1 private conversations with individuals? And by that,
2 I mean conversations that not everyone in the room
3 could hear.

4 A No.

5 Q He didn't, for example, go with
6 Mr. Nussbaum into Mr. Nussbaum's office?

7 A No.

8 Q And the negative inference from that same
9 question is, therefore -- and again, don't reveal any
10 content -- anything that the President said during
11 that five minutes would have been heard by everyone
12 in that office?

13 A That's correct.

14 Q And I take it, without revealing the
15 content, you also heard what the President said?

16 A Yes.

17 Q Would it be your understanding that if I
18 asked these questions to all of the other individuals
19 in the office, they would be able to tell me what --
20 to the best of your recollection, anyway, what the
21 President said when he was in the counsel's office
22 that morning?

1 A That's correct.

2 Q The President didn't -- just to be super
3 careful, to the best of your knowledge, the President
4 didn't have any private conversations with anyone?

5 A That's correct.

6 MR. JOHNSON: Now, let me just -- and, Tim,
7 I'll try and state this right, but I'll trust you to
8 tell me if I get it wrong. It would be the Senate
9 staff's inclination to ask you what you heard the
10 President say that morning. Please don't answer that
11 question yet.

12 We understand from a number of
13 conversations on and off the record with counsel for
14 the Secret Service that both as a matter of
15 longstanding Secret Service policy and also because
16 of an understanding that the Treasury Department had
17 in its correspondence with the Committee about the
18 ground rules for these depositions, that the
19 combination of those two things are that the Secret
20 Service would not answer questions about what its
21 employees overheard in conversations with its
22 protectees. Or to state the same thing in a little

1 bit more plain language, you won't tell us what
2 people said to the President or what the President
3 said to other people that you may have overheard in
4 your presence.

5 Our position, which we've discussed at some
6 length off the record, is we'd like to have the
7 answer to that question. We understand if we were to
8 ask you and press that question, your counsel, on the
9 basis of our conversation, would instruct you not to
10 answer that question.

11 Having said all of that, our suggestion is
12 we reserve asking that question and we will attempt
13 to get the answers to these questions from others in
14 the room who may have also overheard what the
15 President said.

16 Mr. Foley, did I state that fairly?

17 MR. FOLEY: Yes, you did.

18 MR. JOHNSON: Sorry that this took so long,
19 Ms. Macon.

20 Lance, are you happy with that statement?

21 MR. COLE: Yes, I am.

22 BY MR. JOHNSON:

1 Q All right. After the President left that
2 morning, did you have any conversations with anyone
3 regarding Mr. Foster or the contents of his office or
4 the placement in or removal of documents from
5 Mr. Foster's office?

6 A No.

7 Q And for the remaining hour and a half or so
8 that you estimate that you were on duty, did anyone
9 else try and enter the office?

10 A No.

11 Q Did anyone place the photograph back in the
12 office?

13 A No.

14 Q Did the office door remain open during the
15 entire time that you were there?

16 A No.

17 Q There came a time when the door was closed?

18 A That's correct.

19 Q How did that happen?

20 A I closed the door.

21 Q When did you do that?

22 A Actually, I believe I closed -- I don't

1 remember precisely when, but I believe I closed it
2 after me and Mr. Nussbaum exited.

3 Q Did you lock it?

4 A No.

5 Q Who replaced you on the guard station
6 outside the office, do you recall, Ms. Macon?

7 A Officer Popik.

8 Q Did you have any conversations with officer
9 Popik about the events that transpired when you were
10 on station?

11 A No.

12 MR. JOHNSON: Let me show you a document
13 that I'll call Deposition Exhibit Number 1. It's a
14 three-page document bearing document production
15 numbers 6231 through 6233.

16 (Deposition Exhibit 1 identified.)

17 BY MR. JOHNSON:

18 Q And I think your counsel has seen this
19 before. Let me ask you whether or not you've ever
20 seen this document before, Ms. Macon?

21 A I've seen the last page -- or one line of
22 the last page that concerned --

1 Q The last page is the handwritten page
2 bearing the legend at the top "Log of Persons
3 Entering Mr. Foster's Office."

4 A Right.

5 Q And there appears, as the first entry on
6 this log, at 11:10 a.m. "Mr. Nussbaum removed small
7 black and white photo" and next to that it says
8 "Officer Macon." Is that the line you're referring
9 to?

10 A That's correct.

11 Q When have you seen that before?

12 A My counsel showed it to me this morning.

13 Q Prior to that, had you seen this document
14 before?

15 A No.

16 Q I take it, therefore, this document is not
17 in your handwriting?

18 A No.

19 Q Do you know whose handwriting it's in?

20 A No.

21 Q To whom, if anyone, did you report that
22 Mr. Nussbaum had removed a small black and white

1 photo?

2 A To my official. When I left my post, I
3 gave the time and whatever Mr. Nussbaum went into my
4 official --

5 Q Your official?

6 A That was Inspector Captain Martin.

7 Q Do you recognize that as Captain Martin's
8 handwriting?

9 A No, I wouldn't.

10 Q After you left your station outside of
11 Mr. Foster's office on the 21st, what involvement, if
12 any, did you have after that in the investigation
13 or -- strike that.

14 What involvement, if any, did you have in
15 the continuing investigation into Mr. Foster's death,
16 including the handling of the documents in
17 Mr. Foster's office or anywhere else?

18 A None.

19 Q Am I correct in assuming this two-hour
20 period of time was the only period of time in which
21 you personally had any involvement at all?

22 A That's correct.

1 Q Prior to assuming your station on the 21st,
2 had you had any conversations with anyone in the
3 Secret Service or anywhere else on the topic of
4 Mr. Foster's death or the investigations into
5 Mr. Foster's death?

6 A No.

7 Q After that time, after you left the duty
8 station on that day, up to and including today,
9 excluding from your answer the conversation you had
10 this morning with your counsel, had you had any
11 conversations with anyone on the topic of
12 Mr. Foster's death or the handling of the documents
13 or the investigation into Mr. Foster's death?

14 A No.

15 Q You never heard any rumors that documents
16 had been removed or placed in Mr. Foster's office or
17 anything of that kind?

18 A No.

19 Q Is there anything, Ms. Macon, that I should
20 have asked you any topic that I neglected, any
21 information that you have that would be useful to the
22 Committee?

1 A No.

2 MR. JOHNSON: Lance, I don't have anything
3 further.

4 MR. COLE: I just have a very few
5 questions.

6 EXAMINATION

7 BY MR. COLE:

8 Q Ms. Macon, I'd like to ask you a few
9 follow-up questions on the subjects you already
10 covered with Mr. Johnson, and in my questions I may
11 go back and restate my understanding of your
12 testimony. If I don't state that correctly or if my
13 question implies a misunderstanding of your prior
14 testimony, please tell me so that our record will be
15 correct.

16 Going back to the questions that
17 Mr. Johnson asked you about the control center and
18 the alarms that are on the various suites of offices
19 in the west wing, during the time period in your
20 experience you were stationed at the control center,
21 if an alarm would go off or be activated at the
22 control center for one of those offices, what would

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1 you do?

2 A If an alarm went off? If no one called
3 down and said they were accessing that room?

4 Q Yes.

5 A Then we would send an officer up to respond
6 to that location and find out who's accessing the
7 room.

8 Q And if you sent an officer up, what would
9 the officer do?

10 A Once he got to the location and found out
11 whoever was in the room, he'd call down to the
12 control center and give us the name.

13 Q And what would you do at that time?

14 A Punch it into the computer.

15 Q And my understanding of your prior
16 testimony is that if the name is the name of a person
17 who is on the access list, then that would resolve
18 the alarm -- would you turn the alarm off then?

19 A We put in an access, if that person has
20 authorization to be in the room, yes.

21 Q And what I'm trying to understand, the only
22 alarm that I'm familiar with is the one in the White

1 House counsel's office. Do you at the control
2 center -- is there an indicator light or how do you
3 know that the alarm is going off?

4 A We might get a light or a buzzer. The
5 system -- should I -- it's a panel that will activate
6 if the room -- if the room was not placed in access,
7 the panel would activate it, buzzer, alarm, light.

8 Q And then who deactivates the panel?

9 A The person at the control panel.

10 Q And what happens if that person does not
11 deactivate the alarm?

12 A What do you mean by "not deactivate the
13 alarm"?

14 Q Does the light continue to flash on the
15 control panel or a buzzer continue to buzz?

16 A If someone accessed the room and it was --
17 if it wasn't placed in access, it would be like a
18 solid red light for that room.

19 Q For the period that the --

20 A If I wouldn't deactivate it, it would
21 remain there.

22 Q And would anything else happen or would the

1 light just continue to flash? And by that I mean, is
2 there a period of time in which a second alarm is
3 tripped or a notification is sent out from the
4 control panel?

5 A Once -- first of all, it has to be
6 physically silenced by the person at the control
7 panel. If he doesn't place the room in access, it
8 would remain on a hard alarm. There's a person
9 physically there at that -- a person assigned
10 physically for the control panel the whole entire
11 shift. So that's his job, to monitor the panel. So
12 if I don't put the room in access, it's going to
13 remain on a hard alarm.

14 Q Do you know if that will then appear on a
15 log or computer record?

16 A Any alarm that goes off in the control
17 center, yes, appears on a log, on a computer
18 printout.

19 Q Am I correct in understanding, then, that
20 if the guard at the control panel does not deactivate
21 the alarm, then it will continue to be indicated on
22 the computer printout as active?

1 A Yes. There's two processes. One is
2 someone accesses the room, that's one. Then there
3 should be a second response, either the person put it
4 in access or whatever. Any time an alarm comes up or
5 whatever, you should have two accesses there. One
6 tells you an alarm went off and the second one should
7 say if you put in the access, who entered the room or
8 whoever else. It would either be the name of the
9 individual or whatever the reason for entering that
10 room.

11 MR. COLE: Thank you. I don't believe I
12 have any further questions.

13 (Discussion off the record.)

14 MR. COLE: A couple more questions,
15 Ms. Macon.

16 BY MR. COLE:

17 Q You described earlier the brief time that
18 the President visited the White House counsel's suite
19 of offices while you were posted on guard duty
20 there. Did you observe whether the President
21 showed -- was shown the photograph that Mr. Nussbaum
22 had taken from Mr. Foster's office?

1 A Yes.

2 Q And who showed him the photograph?

3 A Mr. Nussbaum.

4 MR. COLE: I think that's all. Thank you.

5 MR. JOHNSON: On the record, why don't we
6 state as follows: Ms. Macon, thank you very much on
7 behalf of Mr. Cole and myself for your cooperation.
8 One of the things that's extraordinarily important to
9 us is the confidentiality of this inquiry, and we are
10 strictly bound not to discuss what occurred here
11 today with anyone and we'd be grateful if you'd
12 follow the same guidelines and not discuss this with
13 anyone, including your colleagues in the Secret
14 Service. Thank you.

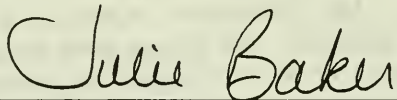
15 (Whereupon, at 11:35 a.m., the deposition
16 was concluded.)
17
18

19 -----
MICHELLE D. MACON
20
21
22

CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

CHRONOLOGY OF EVENTS
REGARDING
THE SUICIDE OF MR. VINCENT FOSTER,
DEPUTY CHIEF, WHITE HOUSE LEGAL COUNSEL

ON JULY 21, 1993, ATSAIC DONALD A. FLYNN OF THE PRESIDENTIAL PROTECTIVE DIVISION, ACTING IN THE CAPACITY OF THE WHITE HOUSE SECURITY COORDINATOR BECAME INVOLVED IN THE SUICIDE INVESTIGATION OF THE ABOVE CAPTIONED SUBJECT. THE FOLLOWING IS A CHRONOLOGICAL SEQUENCE OF THE ACTIVITIES, ACTIONS, AND SUPPORT UNDERTAKEN AND PROVIDED BY THE SECRET SERVICE:

WEDNESDAY, JULY 21, 1993

10:00 AM ATSAIC FLYNN WAS INFORMED BY ASAIC PAUL IMBORDINO THAT TWO MEMBERS OF THE U.S. PARK POLICE (USPP) CRIMINAL INVESTIGATIONS DIVISION WERE COMING TO THE WEST WING OF THE WHITE HOUSE TO CONDUCT A SEARCH OF MR. FOSTER'S OFFICE IN AN EFFORT TO LOCATE A SUICIDE NOTE OR OTHER PERTINENT INFORMATION REVEALING A MOTIVE AS TO WHAT MAY HAVE PROVOKED HIM TO TAKE HIS OWN LIFE.

IMMEDIATELY THEREAFTER, ATSAIC FLYNN WAS INFORMED BY DSAIC DAVID CARPENTER THAT DIRECTOR MAGAW'S OFFICE HAD RECEIVED A TELEPHONE CALL FROM MS. LINDA TRIPP, A STAFF ASSISTANT IN THE OFFICE OF WHITE HOUSE LEGAL COUNSEL REQUESTING ASSISTANCE IN SECURING MR. FOSTER'S OFFICE.

10:20 AM ATSAIC FLYNN ASSUMED A SECURITY POST ON MR. FOSTER'S OFFICE. A REQUEST WAS MADE OF INSPECTOR DENNIS MARTIN UD/WHB TO PROVIDE OFFICERS TO MAINTAIN SECURITY OF THE OFFICE SPACE.

11:05 AM OFFICER MICHELLE MACON RELIEVED ATSAIC FLYNN AND WAS INSTRUCTED TO MAINTAIN A LOG OF ANY PERSONS ENTERING THE OFFICE, TO OBSERVE THEIR ACTIONS, AND NOT TO PERMIT THE REMOVAL OF ITEMS.

THE FOLLOWING UNIFORMED DIVISION OFFICERS ASSISTED WITH THIS SECURITY ASSIGNMENT:

JOE PHILLIPS
JIM YOUNG
ROBERT POIK
ROBERT ALMASY
BRENT CHINERY

1:10 PM INSPECTOR DENNIS MARTIN UD/WHB MET THE FOLLOWING

7
0231

PERSONS AT THE SOUTHWEST GATE, AND ESCORTED THEM TO HIS OFFICE AWAITING APPROVAL FROM THE JUSTICE DEPARTMENT TO PROCEED TO MR. FOSTER'S OFFICE TO CONDUCT INTERVIEWS AND A SEARCH. ..

CAPTAIN CHARLES HUME (USPP)
DET. PETE MARKLAND (USPP)
SA SCOTT SALTER (FBI)
SA JOHN DANNA (FBI)

4:40 PM JUSTICE DEPARTMENT REPRESENTATIVES DAVID MARGOLIS AND ROGER ADAMS ARRIVED AT THE WEST WING OFFICE OF MR. NUSSBAUM TO DISCUSS THE FORMAT AND RESTRICTIONS TO BE APPLIED FOR THE SEARCH OF MR. FOSTER'S OFFICE.

MR. NUSSBAUM ANNOUNCED THAT THE SEARCH WOULD BE CONDUCTED ON JULY 22, 1993, AND THAT PER MR. RONALD NOBLE, THE ASSISTANT SECRETARY OF THE TREASURY IN CHARGE OF LAW ENFORCEMENT AND DIRECTOR JOHN MAGAW OF THE SECRET SERVICE, A ONE-OF-A-KIND LOCK WOULD BE PLACED ON THE OFFICE DOOR WITH THE ONLY KEY TO BE MAINTAINED BY ATSAIC FLYNN.

8:02 PM ATSAIC FLYNN RELIEVED THE UNIFORMED OFFICER CONTROLLING THE OFFICE DOOR. SS KEVIN ROBBINS AND MR. KENNETH BLAIR COMMENCED TO INSTALL THE AFOREMENTIONED LOCK AT THAT TIME.

10:32 PM THE LOCK INSTALLATION WAS COMPLETED AND THE DOOR SECURED BY ATSAIC FLYNN.

THURSDAY JULY 22, 1993

1:15 PM AT MR. NUSSBAUM'S REQUEST, ATSAIC FLYNN UNLOCKED MR. FOSTER'S OFFICE AND A SEARCH COMMENCED.

2:49 PM THE REVIEW WAS COMPLETED, AND MR. NUSSBAUM ADVISED THAT THE REQUIREMENT TO KEEP THE OFFICE SECURE WAS BEING REMOVED, AND OUR ASSISTANCE WAS NO LONGER NEEDED. THE KEYS TO THE LOCK WERE THEN GIVEN TO MR. NUSSBAUM BY ATSAIC FLYNN.

COMMUNICATION RECORD

Log of Events covering All Field Office

Wednesday July 21st 1942

11:00 AM Mr. Morrison Request a call to a person (see record)
 11:15 AM Mr. Sloan to replace a box of milk previously taken from Mr. Brown
 Tush Can (see record)
 5:00 PM Mrs. Perkins, Kenneth Allen to place the lock on the door -
 Field Office (see record)
 11:00 PM Lock installed. Door secured by Allen

Thursday July 22nd 1942

11:00 AM Mr. Morrison from telephone call Sloan Bill Brown Michael Spotted
 David Alexander Pagan Adams Capabilities House John Mackland
 1:00 PM Police Officer Parker Sent to the door on sign

2:00 PM Discussion to report on the situation to the Museum by
 Allen

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**DEPOSITION OF JIMMY K. YOUNG
IN RE: S. RES. 120**

WEDNESDAY, JUNE 21, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of JIMMY K. YOUNG, called for examination pursuant to notice of deposition, at 11:50 a.m. in Room 640-A of the Hart Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
LANCE COLE, Esq.
Minority Deputy Special Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

TIMOTHY M. FOLEY, Esq.
BILL CLANCY, Esq.
U.S. Secret Service
Office of Chief Counsel
1800 G Street, NW
Room 842
Washington, DC 20223
On behalf of the Deponent.

ALSO PRESENT: TASHIA URLAND

CONTENTS

WITNESS	EXAMINATION
Jimmy K. Young by Mr. Johnson	3

PROCEEDINGS

Whereupon,

JIMMY K. YOUNG

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. JOHNSON:

Q Good morning, Mr. Young.

A Good morning.

Q We haven't had a chance to meet off the record. Let me introduce myself to you. My name is Everett Johnson and I'm one of the attorneys working with the Senate Special Committee investigating Whitewater and related matters. I'm actually employed by the Majority. I'm a member of the Majority staff.

With me here today is Lance Cole, who is yet another attorney working on the investigation. Mr. Cole is employed by the Minority staff. Together, we'll ask you a series of questions today concerning the investigation into Vince Foster's suicide and, in particular, regarding the handling of

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the documents that may have been in Mr. Foster's office at or around the time of his death.

Let me ask you preliminarily whether you've ever had your deposition taken before?

A Not in this matter, no.

Q Just a word or two on our procedures. Ms. Baker is our shorthand reporter. She'll make a verbatim transcription of our questions and your answers. It's useful to her if you wait until the question is completed before you answer the question and it's also useful to her if you will answer the questions verbally, other than gestures or nonverbal communications, so she can make a record.

If at any time in the course of the deposition something I've asked you is unclear to you, please feel free to say that. I assure you that none of our questions are designed to be tricky or deceitful in any way so if it's not clear what we're asking, just say so. If you feel a need to consult with your attorneys at any time during the deposition, feel free to do that. And if you would like to take a break at any time during the

1 deposition, simply state that and we'll do that as
2 well.

3 Before coming to your deposition today, did
4 you meet with anyone to discuss your testimony?

5 A Just the two gentlemen to my right.

6 Q In that meeting, was there anyone else
7 present other than the two attorneys you indicated?

8 A No.

9 Q Other than that meeting, have you had any
10 conversations with anyone regarding the testimony
11 that you would give here today?

12 A No.

13 Q Why don't you take 30 seconds, if you
14 would, please, and describe your work history with
15 the Secret Service?

16 A I've been at the White House for the last
17 four years. I was just recently assigned to what we
18 call special operations, which is we're in charge of
19 giving tours of the White House, special events,
20 presidential events at the White House. That's it,
21 basically. The last two years that is what I've been
22 doing basically.

1 Q Where were you assigned in July of 1993?

2 A Special operations.

3 Q If I'm doing the math right, you had
4 actually just begun that assignment?

5 A Right.

6 Q Before that, where were you stationed?

7 A I was assigned on a permanent basis for
8 approximately a year or two to what we call the
9 mansion or the residence.

10 Q And just to be clear, in your time with the
11 Secret Service in the White House, you had not been
12 assigned a permanent duty station in the west wing;
13 is that correct?

14 A No, not permanent.

15 Q Did you from time to time work in the west
16 wing nevertheless?

17 A Yes.

18 Q What occasions would you work in the west
19 wing?

20 A Just staying over for overtime, maybe my
21 day off, something that was not regular.

22 Q Are you generally familiar with the layout

1 of the west wing of the White House?
 2 A Yes.
 3 Q Let me give you some names of people and my
 4 question is the same for each of them and that is
 5 whether or not you would recognize them by face.
 6 Obviously, the President and the First Lady
 7 you'd recognize?
 8 A Right.
 9 Q Mr. Nussbaum?
 10 A Yes.
 11 Q Ms. Williams, Maggie Williams?
 12 A Yes.
 13 Q Patsy Thomasson?
 14 A Yes.
 15 Q Would you have recognized Roy Neel?
 16 A No. I recognize the name. I'm not putting
 17 the face with the name.
 18 Q You can't say you'd recognize his face?
 19 A No.
 20 Q Mr. McLarty, I take it, you'd recognize?
 21 A Yes.
 22 Q Dee Dee Myers, I take it, you'd recognize?

1 A Yes.
 2 Q Mr. Gearan?
 3 A Yes.
 4 Q Would you recognize by face a fellow by the
 5 name of Cliff Sloan?
 6 A No.
 7 Q What about a fellow by the name of Steve
 8 Neuwirth? I think it's N-e-u-w-i-r-t-h.
 9 A No.
 10 Q Would you recognize a White House security
 11 official by the name of Livingstone?
 12 A Yes -- well, correct me on that. What's
 13 his first name?
 14 Q I think it's Craig.
 15 A Yeah, right.
 16 MR. JOHNSON: Who did I forget, anybody?
 17 MR. COLE: I think that's it.
 18 BY MR. JOHNSON:
 19 Q Would you recognize by face Mr. Nussbaum's
 20 secretary, Ms. Pond?
 21 A No. I probably would recognize her from --
 22 if she walked in today, I would say no. I'm not

1 saying I haven't laid eyes on her.

2 Q If you saw her sitting at Mr. Nussbaum's
3 reception area, you'd recognize her there, but not
4 necessarily on the street?

5 A Right.

6 Q What about Ms. Gorham, Mr. Nussbaum's
7 secretary?

8 A No.

9 Q Would you recognize a fellow by the name of
10 Tom Castleton?

11 A No.

12 Q Were you working day shifts on July 20,
13 1993, the day that Mr. Foster died?

14 A Yes.

15 Q And if I'm correct, the day shift is from
16 6:30 in the morning until 2:30 in the afternoon?

17 A Right.

18 Q Do you know how you learned of Mr. Foster's
19 death?

20 A If I'm not mistaken, it was through the
21 news media. I recollect the radio for some reason.
22 I don't know if it was at work on the radio or going

10

1 to work on the radio or what have you, but for some
2 reason, I remember -- the radio sticks out for some
3 reason.

4 Q Did you -- let's see. And you reported to
5 the White House at your normal time, which would be
6 6:30 in the morning, on the 21st of July; is that
7 correct?

8 A Yes.

9 Q And there came a time on that day when you
10 were asked to serve in sort of a special function in
11 the west wing; is that right?

12 A Right.

13 Q Tell us how that happened.

14 A Basically they were just looking for
15 people -- officers that were not basically assigned
16 at that moment to do anything specific. That time of
17 day everything was kind of wrapping up as far as
18 tours go of the White House, if I'm not mistaken.
19 That's what I remember. And they basically grabbed
20 the first couple of free bodies that they wanted --
21 we wore blazers and ties rather than uniform so I
22 guess that was their perspective. They wanted

1 someone not drawing attention to the situation, but
2 they wanted guys in blazers. That was another reason
3 they grabbed us, I guess.

4 Q Who actually asked you to --

5 A It was one of my supervisors. I can't
6 remember exactly which one it was.

7 Q Even though you can't remember exactly
8 which one it was, do you remember what he or she said
9 about the duty?

10 A Said it was an assignment in the west
11 wing. It was very, very vague as to what we were
12 doing. They were not specific at all.

13 Q How did you learn what you were to do?

14 A Arriving on that post, arriving at the --
15 there were several officials there. My supervisor
16 was there and basically I was briefed by the person I
17 was relieving. I was more of a relief person. At
18 that point, they had enough post standards or they
19 had the schedule made out for who was going to stand
20 post, and I was used for giving that guy a break from
21 standing, if he had to go to the bathroom, whatever.
22 So that's basically what I was there for.

1 Q Let me see if I've got this right, and I'll
2 try and be real quick. You didn't actually
3 understand what it was you were going to do until you
4 got over to the west wing; is that correct?

5 A Exactly.

6 Q And the person who informed you of exactly
7 what to do is the person who you relieved?

8 A Well, I mean specifics on what was actually
9 going on inside the outer office there with
10 authorizations as to who was coming into the office.

11 Q Let me just go a little more slowly. When
12 did you first learn that you were going to guard
13 Mr. Foster's office?

14 A When I arrived up on the second floor of
15 the west wing, I mean, I kind of knew what was going
16 on, just looking at the situation. When my
17 supervisor -- he just told me basically we're
18 standing post. They were in the process of trying to
19 secure the area from people just walking in, I
20 guess. And there was another officer there. I
21 relieved him.

22 Q Do you recall who the other officer was?

1 A It was Joe Phillips, if I'm not mistaken.
2 It was Joe Phillips. And I basically gave him about
3 a 15- to 20-minute break. He told me what he was
4 told to do. The officers before him and whatever --
5 I guess it was just a succession -- had told him
6 basically what he was doing and that was it. It was
7 pretty simple as to what --

8 Q What do you recollect that Mr. Phillips
9 told you about what to do?

10 A Well, I had several questions for him, of
11 course. There was a log there on the desk. The
12 office was closed.

13 Q When you say "the office," do you mean
14 Mr. Foster's office was closed?

15 A Yes.

16 Q And by that, you mean the door was closed?

17 A The door was closed.

18 Q Do you know whether or not it was locked?

19 A No. I cannot 100 percent say that it was
20 secured. I was kind of under the impression that it
21 was, but with me standing in front of the office or
22 standing within eyeshot of the office, to me, it was

1 just as secure as it could be.

2 Q What else do you recall about your
3 conversation with Mr. Phillips?

4 A Basically he told me -- that's the first
5 time I had set foot in the office, so he said this is
6 Mr. Nussbaum's office, this is Mr. Foster's office,
7 not exactly who was authorized and who was not
8 authorized for the office, but the fact that they
9 wanted to keep a log as to who went into Mr. Foster's
10 office and also that it would probably be a very good
11 idea -- I can't distinguish for sure out of memory
12 whether it was a definite -- whether they wanted us
13 to call our watch commander which was on duty at the
14 time before we allowed anyone in there. That's
15 what -- I was personally under the impression that we
16 were to pick the phone up, make a phone call before
17 anyone was to enter there.

18 Q Your impression was you wouldn't let anyone
19 in there until you at least made a phone call?

20 A That's right, exactly.

21 Q Did you receive any instructions on whether
22 or not people could remove anything from Mr. Foster's

1 office or place anything in Mr. Foster's office?

2 A I can't remember for sure. Personally, I
3 would not have let anyone take anything out of that
4 office or bring anything in without making a phone
5 call, logging it in and going from that point.

6 Q And when you arrived on the late afternoon
7 of the 21st, who did you physically see in the White
8 House counsel's suite?

9 A Mr. Nussbaum was there. There were several
10 females there -- I take it they were secretaries --
11 inside the office, the outer office there and that's
12 where I was standing. They offered me something to
13 drink. Phones were ringing, things like that. It
14 was just the normal kind of atmosphere and I just
15 basically was standing there trying to be out of the
16 way.

17 Q Other than Mr. Nussbaum and a couple of
18 secretaries, did you see anyone else at that time?

19 A No, not at that time.

20 Q Trying to remember back to the list of
21 names I gave you and asked you whether you would
22 recognize, did you -- during the course of guarding

16

1 Mr. Foster's office on the afternoon of the 21st, did
2 you see any of those individuals?

3 A No.

4 Q Did you have any conversations with the
5 secretaries or Mr. Nussbaum while you were guarding
6 the office?

7 A Like I said, the secretaries offered me
8 something to drink. They had a pitcher of water or
9 something like that. They were anticipating us being
10 there for a while, I'm sure. Mr. Nussbaum came out
11 of the office a couple of times, walked through in
12 and out of his office, closed the door a couple of
13 times, just in and out. Didn't really say anything
14 to me.

15 Towards the latter part of the time I stood
16 there, he asked me or -- to me it was kind of a test
17 as to who I was going to let inside the office. Say,
18 if he walked up to the office and wanted to go
19 inside, if I would actually stop him. He didn't do
20 that, but he did ask me who I was authorized to allow
21 in the office and I basically told him what I just
22 told you.

1 Q Let me go a little bit slower. Did
2 Mr. Nussbaum walk up to you -- did he physically
3 stand at your desk and ask you while you were sitting
4 there?

5 A Yes, I'm not sure if he introduced who he
6 was. I understood who he was from what Joe told me.
7 He basically asked -- wanted to know what our
8 procedure was for letting someone in the office. I
9 don't know if he was just curious.

10 Q Did he say who would you allow to go in the
11 office or would you allow me to go into the office?

12 A I can't remember exactly how he phrased
13 it. He very possibly could have said would you let
14 me go in the office. I explained to him that I would
15 call -- I would have to make a phone call, log him
16 in, if he had to go inside and why he had to go
17 inside. That's what I explained to him. I didn't
18 look at the log or go over the log or inquire about
19 that, but he wanted to know.

20 Q Did Mr. Nussbaum ask whether you would
21 allow anyone else into the office?

22 A No.

1 Q He didn't give you any names in the way
2 that I've done here today to ask you whether that
3 person could go in?

4 A No, not at all.

5 Q Did he ask to look at your log?

6 A No.

7 Q Did he ask whether or not you would keep a
8 record of whoever went into the office?

9 A Yeah, he implied that, yes. He wanted to
10 know what our exact procedure was, not that he was so
11 specific that he was saying well, this person can't
12 come in, this person can come in, but he was kind of
13 just -- he wanted to know exactly what we were doing.

14 Q Within the general topic of who you would
15 allow into the office, do you remember any names
16 being mentioned by either Mr. Nussbaum or you?

17 A No.

18 Q Putting aside any names or titles
19 mentioned, other than Mr. Nussbaum?

20 A No.

21 Q He didn't say could the chief of staff go
22 in?

1 A No, not that I remember.

2 Q When Mr. Nussbaum asked you these
3 questions, did you sense that he personally wanted to
4 go into the office?

5 A I did at first, and I thought out of my own
6 intuition that he would eventually ask me if he could
7 go in the office, but he never did. After that, he
8 went back into his office and I never saw him again.

9 Q Whether or not he asked, did you offer to
10 let him into the office?

11 A No, not at all.

12 Q Did you comment at all about whether he
13 could go into the office?

14 A No.

15 Q Did he ask you any questions about whether
16 people would be allowed to remove things from the
17 office?

18 A No, not that I remember.

19 Q To the best of your recollection, the
20 conversation with Mr. Nussbaum was what are your
21 procedures for letting people into the office. Is
22 that a fair characterization?

1 A Right. It was a very short conversation,
2 nothing drawn out.

3 Q Friendly conversation?

4 A Very friendly. It was a very difficult
5 situation to even be there and I didn't personally
6 know him. If I would have known him, it might have
7 been different or something, but that's the first
8 time I had met him.

9 Q Did he say to you or imply to you that
10 anyone had been in Mr. Foster's office?

11 A No, not at all.

12 Q And it wasn't your impression from speaking
13 with Mr. Nussbaum that someone had been in that
14 office?

15 A No.

16 Q Did he say or imply that he had not been in
17 that office?

18 A No.

19 Q You didn't have any impression one way or
20 the other whether anyone had been in the office?

21 A No.

22 Q Any other conversations with Mr. Nussbaum

1 on that day?

2 A Not at all.

3 Q How long would you say this conversation
4 lasted?

5 A God, maybe a minute, minute and a half,
6 very short.

7 Q During your shift on that day, did anyone
8 actually try and get into the office?

9 A No.

10 Q Did you overhear any conversations on the
11 topic of whether or not anyone had been in the
12 office?

13 A No.

14 Q And as you sit here today, do you know
15 whether or not anyone had been in that office?

16 A No, not specifically, no.

17 Q What about generally?

18 A No. I mean, just out of standing there --
19 after I was relieved, I stood outside in the hallway
20 for several minutes, just standing by to see if they
21 needed me for something else. There were a lot of
22 officials there as far as Secret Service, you know,

22

1 some uniforms. I think Park Police was there also
2 for some reason for their investigation or whatever.
3 I don't remember any names or faces as to who exactly
4 was there. All I remember is there were lots of
5 bodies there for some reason when I left.

6 Q Roughly how many?

7 A I don't know, maybe four or five at the
8 maximum, a very small area.

9 Q Where were they physically standing?

10 A They were in the hallway.

11 Q Outside of the counsel's office?

12 A Right.

13 Q And you recognized some people from the
14 Park Police?

15 A Right, by the uniform.

16 Q You don't know any of their names?

17 A No.

18 Q And did you recognize any Secret Service?

19 A No.

20 Q Was it your impression --

21 A Not that I can remember. I saw uniforms
22 and basically was trying to stand out of the way.

1 Q Was it your impression that of the four or
2 five, were all of the people wearing uniforms?

3 A No, there were some suits, but I can't
4 picture faces at all.

5 Q Did you have any understanding at that time
6 of who were the people wearing the suits?

7 A No. I just -- out of general knowledge or
8 thoughts that they were probably Secret Service or
9 Treasury officials or someone there to do an official
10 investigation.

11 Q Did you think they were investigators?

12 A Yeah.

13 Q I think I interrupted you. You started to
14 say you may have overheard some conversations.

15 A The conversations I can remember out of
16 standing in the hallway, if I'm not mistaken, TSD,
17 Secret Service TSD. The big dilemma was they were
18 trying to secure that office for some reason -- not
19 for some reason --

20 Q TSD stands for what?

21 A Technical security division. They were
22 just trying to secure the office for the evening or

1 whatever. I didn't ask and I wasn't told as to what
2 was going on, but I did hear a conversation as to
3 they wanted the office secured and locked so an
4 officer wouldn't have to physically stand there every
5 time the office was opened.

6 Q And there was a representative there from
7 TSD in that group of five?

8 A If I'm not mistaken.

9 Q Do you know who that person was?

10 A No.

11 Q In the course of their conversations about
12 securing the office, did you hear anyone discuss
13 whether or not anyone had been in the office?

14 A No.

15 Q Did you hear any discussion on the topic of
16 whether or not the office, for example, had been
17 unsecured for some period of time or anything like
18 that?

19 A No.

20 Q And I take it, therefore, you didn't hear
21 any conversations about whether or not documents had
22 been removed from or placed in that office?

1 A No.

2 Q During your time there on the 21st, did you
3 overhear or participate in any other conversations
4 about Mr. Foster's office or his documents?

5 A No, not at all.

6 Q Do you know a person by the name of -- I'll
7 probably mispronounce this -- is it Kammerdeiner? Do
8 you know which one I'm talking about?

9 A No.

10 Q Kammerdeiner, K-a-m-m-e-r-d-e-i-n-e-r?

11 A No.

12 Q Do you know whether or not Mr. Kammerdeiner
13 is a person from TSD?

14 A No, it doesn't ring a bell.

15 Q Still focusing on that late afternoon of
16 the 21st, how long do you think you were physically
17 in the west wing?

18 A Physically? At most, maybe a half hour.

19 Q Are there any other conversations that you
20 participated in or overheard or any other
21 observations that you made regarding Mr. Foster's
22 office and the access to that office that we haven't

26

1 discussed?

2 A No, not that I can remember. To me, it was
3 a very short time to be in there.

4 Q Since that time on the 21st, have you
5 personally participated in any way in the handling of
6 Mr. Foster's documents or the investigation into
7 Mr. Foster's death?

8 A I don't understand your question.

9 Q What, if anything, have you had to do with
10 any of this since the afternoon of the 21st?

11 A With other investigations?

12 Q Exclude from your answer any conversations
13 you may have had with the Independent Counsel or any
14 other investigators. I don't even want to know
15 whether you've had them. But generally speaking, in
16 your duties in the Secret Service, have you been
17 involved in any way?

18 A No.

19 Q What conversations, Mr. Young, have you had
20 with anyone, excluding, again, conversations with
21 your counsel and any conversations that you may have
22 had with representatives of the Independent Counsel's

1 office, concerning the handling of the documents in
2 Mr. Foster's office? And let me give you an example,
3 but I don't mean to limit your answer by this
4 example, have you had any conversations with other
5 officers on the topic?

6 A Of the documents?

7 Q Yes.

8 A No.

9 Q What about access to Mr. Foster's office?

10 A No.

11 Q Anyone suggested or implied to you that any
12 documents were improperly removed from the office?

13 A No.

14 Q Has anyone suggested or implied to you that
15 the investigation into Mr. Foster's death had been
16 interfered with in any way?

17 A No.

18 Q And I take it on the general question of --
19 if I can just generally ask you a question about
20 impropriety or gossip-level information, do you have
21 anything to contribute other than what we've talked
22 about here today?

1 A No.

2 MR. JOHNSON: Lance, I have no further
3 questions.

4 MR. COLE: I have nothing to add to that.

5 MR. JOHNSON: Mr. Young, thank you very
6 much for your time.

7 THE WITNESS: You're welcome.

8 MR. JOHNSON: Just in conclusion, let me
9 say that the confidentiality of this proceeding is
10 extraordinarily important to us. We are all bound by
11 strict rules of confidentiality. We won't be
12 discussing this with any unauthorized person, and
13 we'd be grateful if you'd do the same, not discuss
14 this with anyone.

15 THE WITNESS: Okay.

16 MR. JOHNSON: Thank you very much.

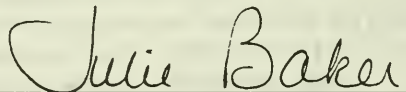
17 (Whereupon, at 12:17 p.m., the deposition
18 was concluded.)

21 JIMMY K. YOUNG
22

CERTIFICATE OF NOTARY PUBLIC & REPORTER

29

I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

**DEPOSITION OF PAUL B. IMBORDINO
IN RE: S. RES. 120**

THURSDAY, JUNE 22, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of PAUL B. IMBORDINO, called for examination pursuant to notice of deposition, at 9:33 a.m. in Room 534 of the Dirksen Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
NEAL E. KRAVITZ, Esq.
Minority Principal Deputy Special Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

TIMOTHY M. FOLEY, Esq.
BILL CLANCY, Esq.
U.S. Secret Service
Office of Chief Counsel
1800 G Street, NW
Room 842
Washington, DC 20223
On behalf of the Deponent.

ALSO PRESENT: NGUYEN-HONG HOANG
VINCENZO A. DELEO

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EXHIBITS

DEPOSITION NUMBER	IDENTIFIED
Deposition Exhibit 1	40, 546
Deposition Exhibit 2	91, 547

P R O C E E D I N G S

Whereupon,

PAUL B. IMBORDINO

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. JOHNSON:

Q Good morning, Mr. Imbordino. We've had an opportunity to meet off the record, but for the benefit of the record, let me introduce myself again. My name is Everett Johnson and I'm one of the attorneys working for the Majority staff in connection with the Senate Special Committee investigation into Whitewater and related matters.

We're here this morning pursuant to Senate Resolution Number 120, which authorizes the Committee and directs the staff to conduct an investigation into certain matters. The particular matter we're investigating here today, generally speaking, is the handling of the documents into the investigation of Mr. Vincent Foster's death.

Let me ask you, as a preliminary matter,

4

whether you've ever had your deposition taken before?

A No.

Q I'll spend just a brief minute on procedures. There's nothing complex about it. Both I and Mr. Kravitz, who you've met off the record as well, will ask you a series of questions this morning. Ms. Baker is our certified shorthand reporter, and she'll make a verbatim transcription of our questions and your answers. Because she's making that transcript, a couple of procedural things are important. One is that you allow Mr. Kravitz and me to finish our questions before you answer them. She can't record simultaneous conversation. And another is that you answer the questions verbally and not with gestures or other forms of nonverbal communication.

I will try as hard as I possibly can to make the questions that I ask as clear as I possibly can. I know that I'll sometimes fail, and I'll count on you to tell me if a question I've asked is unclear or doesn't make sense. I assure you there's nothing in any of our questions here today that's designed to

1 be deceitful or tricky, so if you don't understand
2 something I've asked or it doesn't make sense the way
3 I've asked it, feel free to say so.

4 Also, if an occasion arises and you feel
5 the need to consult with your attorneys, Secret
6 Service attorneys who are present this morning, feel
7 free to do so at any time. And if you'd like to take
8 a break at any time, say so and we'll do that as
9 well.

10 A Okay.

11 Q Let me say a word about confidentiality,
12 and I'll come back to that again at the end of the
13 deposition, for reasons that are probably obvious to
14 everyone. The confidentiality of this procedure is
15 extremely important and we at this table are strictly
16 bound by rules of confidentiality. We would be
17 grateful, as you leave here today, if you would not
18 discuss this deposition or even the fact of this
19 deposition with anyone.

20 Any questions before we start?

21 A No.

22 Q Let me ask you whether or not in

1 anticipation of your deposition here today you've met
2 with anyone to discuss the testimony?

3 A I met with my attorney.

4 Q Who was present during that meeting,
5 Mr. Foley?

6 A Mr. Foley.

7 Q And just Mr. Foley?

8 A We had a meeting where Mr. McNamara was
9 present.

10 Q Was there anyone other than an attorney and
11 yourself?

12 A Some other Secret Service employees.

13 Q Do you remember their names?

14 A I believe Dennis Martin, Michelle Macon,
15 Joe Phillips, maybe Brent Chinery, Mr. Foley and
16 Mr. McNamara.

17 Q And on what day did that take place?

18 A Last Friday maybe, I believe.

19 Q Other than -- have we covered everyone who
20 was present in that meeting?

21 A Yes.

22 Q Other than that meeting, have you discussed

1 your deposition testimony here today with anyone?

2 A No.

3 Q And I take it no one has told you to be
4 sure and say anything or be sure and not say
5 anything?

6 A Correct.

7 Q Mr. Imbordino, why don't I ask you to spend
8 a brief moment and describe your work history with
9 the Secret Service.

10 A I've been with the Secret Service 23
11 years. I've worked in our Washington field office,
12 our intelligence division, our training division and
13 have worked with our Office of Protective Operations
14 at the White House.

15 Q And is that where you're presently working?

16 A Yes.

17 Q How long have you been in the job that you
18 presently hold?

19 A Approximately 3-1/2 years.

20 Q Just generally, if you would, please,
21 describe your job responsibilities.

22 A My job responsibilities include -- I'm

1 liaison at the White House with the uniformed
2 division, also liaison with the White House staff and
3 also liaison to other Secret Service entities that
4 work at the White House, and my job basically entails
5 working on matters of a security nature, policy,
6 special projects.

7 Q These responsibilities that you've just
8 described, were they the same responsibilities that
9 you had in July of 1993, the month of Mr. Foster's
10 death?

11 A Basically.

12 Q Mr. Imbordino, to whom do you report?

13 A Then or now?

14 Q That's a good point. Let's start with now
15 and then I'll ask you about then.

16 A Right now I report to Tom Farrell.

17 Q What's Mr. Farrell's --

18 A Special agent in charge of the White House
19 division.

20 Q To whom did you report in July of 1993?

21 A Dick Griffin, who at that time was deputy
22 assistant director, protective operations.

1 Q Are there agents or some number of agents
2 who report to you?

3 A No.

4 Q One of the job responsibilities you listed
5 was liaison with the White House staff; is that
6 correct?

7 A Yes.

8 Q In July of 1993, did you have a principal
9 point of contact on the White House staff?

10 A There was a few folks or a few staff
11 persons that I dealt with.

12 Q Who did you deal with?

13 A David Watkins, Patsy Thomasson. Those are
14 the two main staff people.

15 Q Did you have any direct interface with
16 White House security officers?

17 A No.

18 Q What was, if you recall, Mr. Watkins's
19 responsibility -- that's a terrible question. Strike
20 that.

21 What was his job? What was his actual
22 title?

10

1 A I believe he was assistant to the President
2 for management or administration.

3 Q Do you recall what Ms. Thomasson's title
4 was?

5 A She was his assistant.

6 Q How regularly would you describe your
7 contact with Mr. Watkins and Ms. Thomasson in the
8 1993 time period?

9 A We would meet maybe -- let me strike that.
10 We would talk maybe a couple times a week.
11 There would also be times where we wouldn't talk for
12 a week or two or three. It just depended on the
13 issues of the day.

14 Q At a personal level, did you have cordial
15 or friendly relationships with both Mr. Watkins and
16 Ms. Thomasson?

17 A It was professional.

18 Q Did you have what you thought of as
19 difficult relationships with either of them?

20 A No.

21 Q I assume, Mr. Imbordino, that in the course
22 of your job duties you are personally quite familiar

1 with the physical layout of the west wing of the
2 White House?

3 A I know it to a certain extent.

4 Q Are you also generally familiar with the
5 location and workings of internal access alarms?

6 A I'm aware of where it is, yes.

7 Q When you say where "it" is, are you
8 referring to the one in the counsel's suite or just
9 generally internal access alarms?

10 A Well, I know -- I'm sorry. Explain -- are
11 you talking about the command post or are you talking
12 about --

13 Q You make a good point. I apologize. I
14 guess what I'm referring to are the operations of the
15 alarms that allow access in and out of various west
16 wing suites, and I realize that those all go to a
17 command post. My question more went to, are you
18 generally aware of the fact of which offices are
19 alarmed in the west wing?

20 A Generally. However, that's not part of my
21 duties, to know which offices are alarmed -- or which
22 are or which offices are not.

1 Q I take it that for offices that are
2 alarmed, there's something generally referred to as
3 an access list?

4 A Uh-huh.

5 Q And that's a list of people who are
6 entitled to access the office and cause the alarm to
7 be turned off?

8 A Yes.

9 Q Who within the White House, to the best of
10 your knowledge, decides what names go on an access
11 list?

12 A I believe the White House staff decides who
13 has access.

14 Q Do any particular names come to mind?

15 A No.

16 Q Do you know whether or not that would be
17 part of Mr. Watkins's responsibility?

18 A It could possibly.

19 Q You don't have any personal knowledge one
20 way or the other?

21 A No.

22 Q Let me sort of establish a foundation for

1 questions that will come later. Let me ask you --
2 strike that, Julie.

3 Let me give you a list of names of people
4 who worked in or around the White House in July of
5 1993, and my question for each of them is really the
6 same and that is, would you recognize that person,
7 would you recognize their face?

8 MR. KRAVITZ: Do you mean now or then?

9 MR. JOHNSON: Good point, Neal. Thank
10 you.

11 BY MR. JOHNSON:

12 Q At that time, would you have recognized
13 them?

14 A At that time, okay.

15 Q Obviously the President and First Lady
16 you'd recognize?

17 A Uh-huh.

18 Q And I take it from your earlier testimony
19 that you would recognize both Mr. Watkins and
20 Ms. Thomasson?

21 A Uh-huh -- yes.

22 Q Would you have recognized Maggie Williams?

1 A No.

2 Q Would you recognize her today?

3 A Yes.

4 Q Let me just follow that up a little bit
5 just to be clear. You had not personally met
6 Ms. Williams in July of 1993?

7 A Not that I'm aware of.

8 Q Do you recall meeting her in connection
9 with the events surrounding Mr. Foster's death at
10 all?

11 A Not at all.

12 Q And I take it today you have met her?

13 A I have sat in a meeting or two where she
14 has been present.

15 Q Can you just put generally some time frame
16 on that, even if it's just a year. Is that '93, '94?

17 A '95.

18 Q And the meetings that you've sat in with
19 Ms. Williams, did they have anything at all to do
20 with Mr. Foster or his death or the investigation
21 surrounding Mr. Foster's death?

22 A No.

- 1 Q I take it you've never discussed any of
2 those topics with Ms. Williams?
3 A No, I have not.
4 Q You would have recognized, I assume,
5 Mr. Nussbaum?
6 A Yes.
7 Q Mr. McLarty?
8 A Yes.
9 Q Roy Neel?
10 A No.
11 Q Would you recognize Mr. Neel today?
12 A Yes.
13 Q Craig Livingstone?
14 A Yes.
15 Q In July of 1993, would you have recognized
16 an attorney by the name of Cliff Sloan?
17 A Yes.
18 Q An attorney by the name of Steve Neuwirth?
19 A Yes.
20 Q On Mr. Sloan and Mr. Neuwirth, do you think
21 you would have recognized them in June of 1993, or
22 did you just meet them in July of 1993?
-

- 1 A July of '93.
2 Q Did you first come into contact with them
3 in connection with Mr. Foster's death and the various
4 activities that were going on in the White House?
5 A Yes.
6 Q How do you recall meeting Mr. Sloan?
7 A Mr. Sloan was in Mr. Foster's office during
8 the period of time that the office was being
9 searched.
10 Q And that was on July 22, 1993?
11 A Yes.
12 Q Had you met Mr. Sloan at any time prior to
13 that day?
14 A Not that I recall.
15 Q Let me ask you the same question with
16 respect to Mr. Neuwirth.
17 A The answer would be the same, in
18 Mr. Foster's office and before that, no.
19 Q To the best of your recollection, you
20 hadn't seen either of those two individuals before
21 that day?
22 A I may have seen them, but I didn't pay any

- 1 attention as to who they were.
2 Q Didn't know who they were?
3 A Right.
4 Q Would you have recognized, in July of 1993
5 Mr. Kennedy?
6 A No.
7 Q Did you have any occasion to meet
8 Mr. Kennedy or come in contact with Mr. Kennedy in
9 the days surrounding Mr. Foster's death?
10 A No, I did not.
11 Q Would you have recognized Mr. Gearan?
12 A No.
13 Q Ms. Myers, Dee Dee Myers?
14 A Yes.
15 Q Did you know at that time a woman by the
16 name of Sylvia Matthews?
17 A No.
18 Q Do you know her today?
19 A No.
20 Q What about a young man by the name of Tom
21 Castleton?
22 A No.
-

- 1 Q What about George Stephanopoulos?
2 A I may have -- I think I've seen him on TV
3 and in the newspapers and that.
4 Q You think you would have recognized his
5 face?
6 A Yes.
7 Q What about Webster Hubbell?
8 A No.
9 Q Would you have recognized Mr. Foster
10 himself?
11 A No.
12 Q Mr. Imbordino, what is your normal
13 workday? What are the hours of your normal workday?
14 A It varies. I normally get into the office
15 7:30, 8:00 and I normally leave 5:30, 6:30, depending
16 on the events of the day. There may be days I come
17 in at 9:00 and leave at 5:00. It depends on the
18 events of the day.
19 Q July 20th of 1993 was a Tuesday, if my
20 recollection is correct. Were you working in the
21 White House on that day?
22 A Yes.

1 Q Do you recall today what time you left the
2 White House on that day?

3 A Specifically, no, I don't. I assume it was
4 normal 5:30, 6:30.

5 Q And I take it that sometime later that
6 evening, you learned of Mr. Foster's death?

7 A Yes.

8 Q How did you learn that Mr. Foster was dead?

9 A Dennis Martin, inspector of the uniformed
10 division called me at home.

11 Q Do you have any recollection about what
12 time he called you?

13 A 9:30, 10:00.

14 Q Late in the evening?

15 A I believe.

16 Q Where was Mr. Martin physically when he
17 called you?

18 A I assume he was at home.

19 Q Why do you assume that?

20 A Because it was after normal work hours.

21 Q And what did Mr. Martin say?

22 A Words to the effect that Vincent Foster had

20

1 been found at a park in Virginia and that it was a
2 suicide. And I had to ask who Vincent Foster was --
3 that name didn't come to mind -- and I was told he
4 was a White House passholder.

5 Q Do you remember anything else about that
6 conversation?

7 A Words to the effect that it was a suicide,
8 yes, yes.

9 Q Did Mr. Martin say in that telephone
10 conversation how he became aware that Mr. Foster was
11 dead?

12 A Gentlemen, once again, this is over two
13 years ago. I believe he said Park Police notified
14 him or Park Police notified the command post. And in
15 the normal course of business, Dennis being the
16 commander in charge or inspector in charge, that
17 command post would have called him at home.

18 Q That's not surprising to you that
19 Mr. Martin would be the right person to contact;
20 correct?

21 A Yes.

22 Q What was your understanding about why

1 Mr. Martin called you?

2 A Just to let me know that the event had
3 happened.

4 Q I don't mean this at all facetiously, but
5 why was it important, in your mind, to let you know?

6 A Just as part of being liaison and being an
7 entity that we dealt with -- the uniformed division
8 and I dealt with as a courtesy to let me know that
9 that had happened.

10 Q Did you and Mr. Martin discuss on that
11 evening whether any additional security measures
12 would be appropriate in connection with Mr. Foster's
13 office or Mr. Foster's documents?

14 A No, we did not discuss that.

15 Q Do you recall anything else about your
16 telephone conversation with Mr. Martin?

17 A No. I believe that's it.

18 Q Don't tell me anything that's confidential
19 here, but when the Secret Service learned of the
20 violent death of a White House passholder, is
21 security generally increased in the White House at
22 all on those occasions or that occasion?

1 MR. FOLEY: Can we go off the record for a
2 minute?

3 MR. JOHNSON: Sure.

4 (Discussion off the record.)

5 BY MR. JOHNSON:

6 Q Let me, Mr. Imbordino, rephrase my last
7 question. On the evening of July 20, 1993, to the
8 best of your knowledge, were security measures at the
9 White House increased from their normal high level?

10 A Not to my knowledge, they were not.

11 Q Now, what, if anything, did you do after
12 Mr. Martin informed you of Mr. Foster's death?

13 A I believe I called Don Flynn.

14 Q Where was Mr. Flynn when you called him?

15 A I believe at home.

16 Q Did you call him immediately after speaking
17 with Mr. Martin?

18 A The order of the calls -- I either called
19 him first or I called Dick Griffin first, who as I
20 had stated, was my boss.

21 Q Let's assume, even though I understand it's
22 possible -- let's assume next you called Mr. Flynn.

1 Why did you call Mr. Flynn?

2 A To let him know what had happened so he
3 could advise his supervisors.

4 Q And did you and Mr. Flynn discuss whether
5 any additional security measures would be appropriate
6 in connection with Mr. Foster's office or documents?

7 A Not that I'm aware of, not that I recall.

8 Q And I take it you also called Mr. Griffin
9 on that evening?

10 A Uh-huh. Yes.

11 Q And was Mr. Griffin at home?

12 A Yes.

13 Q And what was the general content of your
14 conversation with Mr. Griffin?

15 A I passed along the information that a
16 White House staff person, Vincent Foster, had
17 committed suicide at a park in Virginia.

18 Q Did you and Mr. Griffin discuss whether or
19 not increased security measures would be appropriate
20 with respect to Mr. Foster's office or things?

21 A Not that I recall.

22 Q In any of these conversations you may have

1 had with Mr. Martin or Mr. Flynn or Mr. Griffin, did
2 it occur to anyone to go into Mr. Foster's office and
3 look for a suicide note?

4 A The way you phrased that --

5 Q Was there any discussion about that?

6 A No, there was not any discussion.

7 Q Obviously you don't know what must have
8 occurred to Mr. Flynn, Martin or Griffin, what they
9 expressed?

10 A Correct.

11 Q Did it occur to you that someone should go
12 into Mr. Foster's office and look for a note?

13 A No, it did not -- I did not think that
14 anyone from the Secret Service should go into his
15 office and look for a note.

16 Q I think it's probably a function of my bad
17 question, but let me ask it a little bit
18 differently. Did it not occur to you at all, or did
19 you think of it and think it wouldn't be appropriate
20 for someone from the Secret Service to do it?

21 A I do not recall even thinking about it at
22 that time.

- 1 Q Did you call anyone else that evening?
2 A Not that I recall.
3 Q Did you return to the White House?
4 A No, I did not. That evening I did not.
5 Q Do you have personal knowledge of whether
6 or not Mr. Martin or Mr. Flynn or Mr. Griffin
7 returned to the White House on evening?
8 A I don't believe they did.
9 Q Did Mr. Flynn tell you he intended to call
10 David Watkins?
11 A No, he did not, that I recall.
12 Q You don't remember Mr. Watkins's name
13 coming up?
14 A No.
15 Q Do you recall any other things from the
16 evening of July 20th related in any way to
17 Mr. Foster's death?
18 A Nothing comes to mind.
19 Q And I take it, Mr. Imbordino, that you
20 arrived at the White House on the morning of July
21 21st at your normal time?
22 A Normal, yes.
-

- 1 Q 7:30, 8:00, something like that?
2 A Yes.
3 Q What's the first thing you recall happening
4 on the morning of the 21st in any way related to the
5 events of the prior evening, Mr. Foster's death or
6 anything related to that?
7 A Around 9:00, 9:30 being told that the chief
8 of the Park Police, along with some of his staff,
9 would be coming into the complex to have a meeting
10 with White House staff, reference, the death of
11 Mr. Foster.
12 Q Who told you that?
13 A I believe Don Flynn.
14 Q Did Mr. Flynn say how he knew that?
15 A No, he did not.
16 Q Did you have any understanding of how
17 Mr. Flynn knew that?
18 A No. I assumed it came from one of his
19 supervisors or however the word was passed on.
20 Q Do you remember the names of the chief of
21 the Park Police or any of his staff who you were told
22 were coming over?

1 A Well, the chief is Chief Langston, and I
2 don't recall the names of the other -- I think
3 Captain Hume, I believe, was one.

4 Q Did you ever hear of the name Markland?

5 A Yes.

6 Q Is that one of the others?

7 A I know he was involved in the case. I
8 don't know if he sat in on that meeting. My thoughts
9 were that Dennis Martin was to facilitate these folks
10 getting into the complex.

11 Q So your best recollection is that Mr. Flynn
12 told you that these people were coming over to have a
13 meeting -- I don't mean to misstate it, tell me if I
14 do -- to have a meeting with the White House staff
15 about Mr. Foster's death. Is that a fair statement?

16 A Yes.

17 Q Did Mr. Flynn also say that they were
18 coming over to look through Vince Foster's office?

19 A No.

20 Q Do you have any understanding at that time,
21 9:00 or 9:30 in the morning, that the officers wanted
22 or didn't want to go through Mr. Foster's office?

1 Due any understanding one way or the other is my
2 question.

3 A No.

4 Q What did you do after you were informed by
5 Mr. Flynn that the Park Police were coming?

6 A I believe I checked to make sure that the
7 chief got in -- got into the complex and then went
8 about my normal business.

9 Q Did you physically go and receive Chief
10 Langston?

11 A No, I did not.

12 Q Did some Secret Service representative do
13 that?

14 A I believe so.

15 Q Who do you think did?

16 A It may have been Don Flynn or Dennis
17 Martin.

18 Q Did you on that morning ever see the chief
19 or any of the Park Police officials?

20 A You mean walking into the compound?

21 Q Just physically set your eyes on them,
22 yes.

1 A I recall seeing the chief walking in, the
2 chief of the Park Police walking up the avenue.

3 Q You didn't, I take it, speak with him or
4 have any conversations at the time?

5 A No, I did not.

6 Q And did you attend the meeting that they
7 were coming to attend regarding Mr. Foster's death?

8 A No, I did not.

9 Q Did you have any conversations with anyone
10 who did attend that meeting -- I mean, after the
11 meeting and about the meeting?

12 A No, I did not.

13 Q No one ever said they think it's a suicide
14 or anything like that?

15 A I assumed from the phone call the previous
16 evening that it was a suicide, and I had no reason to
17 think it was any different.

18 Q And just to be clear, you don't remember
19 anyone telling you what was said in the meeting that
20 the Chief Langston and others attended that morning?

21 A Nothing specific that I recall.

22 Q And I take it on the morning of the 21st,

1 there also came a time when the Secret Service was
2 asked to increase the security surrounding
3 Mr. Foster's office; is that correct?

4 A Yes.

5 Q What involvement, if any, Mr. Imbordino,
6 did you have in that event?

7 A If my memory serves, I believe Don Flynn
8 spoke to me and stated that a conversation had taken
9 place between Secret Service supervisors,
10 Mr. Nussbaum's office and the request was made for us
11 to provide security for Vince Foster's office. Don
12 relayed that to me. I relayed that to Dennis
13 Martin. Dennis Martin relayed it to the appropriate
14 uniform division people to assume that post.

15 Q Was Mr. Flynn more specific in terms of the
16 procedures, or did he simply say provide security, to
17 the best of your recollection?

18 A Provide security.

19 Q Did you have any understanding at that time
20 of why security was being provided to Mr. Foster's
21 office?

22 A Other than the fact that they wanted to

1 keep the office as it had been.

2 Q Did you, Mr. Imbordino, have any
3 understanding of whether or not anyone had entered
4 that office as of the morning of July 21st?

5 A I had no knowledge of that.

6 Q Just to be clear, what I mean was after the
7 time of Mr. Foster's death and the time of securing
8 the office on the morning of July 21st, you didn't
9 have any information about whether or not anyone had
10 been in?

11 A No, I did not.

12 Q Now, you say that you passed the
13 information on to Dennis Martin.

14 A Uh-huh.

15 Q Was it Mr. Martin's responsibility to
16 establish the security?

17 A Yes.

18 Q What did Mr. Martin do, to the best of your
19 knowledge?

20 A Dennis Martin gave the order to his
21 officials to provide uniformed division officers to
22 man that post.

32

1 Q What was your understanding at the time of
2 whether or not the uniformed division officers were
3 to allow anyone to go into the office?

4 A My understanding at the time was basically
5 for the uniformed division officers to maintain the
6 integrity of the office.

7 Q Put a little meat on that, if you would.
8 What does that mean to you? Does that mean no one
9 can go in or people can go in but they can't take
10 things in or out or some other thing?

11 A I would say in my mind, they were there to,
12 once again, maintain the integrity and also, I
13 guess -- I believe they may have kept a log as to --
14 if staff people entered.

15 Q Did you yourself have any involvement in
16 the maintenance of that log?

17 A No, I did not.

18 Q Did you personally have any conversations
19 with any of the officers who guarded Mr. Foster's
20 office about the events of that day?

21 A Not that I recall.

22 Q And that's true up to and even including

1 today?

2 A Yes.

3 Q Who would be the person most knowledgeable
4 about the maintenance of that log and what happened
5 on that day with respect to the guarding of
6 Mr. Foster's office?

7 A I would think Don Flynn or Dennis Martin.

8 Q Roughly what time do you recall hearing
9 that Mr. Nussbaum's office had requested additional
10 security?

11 A 10:00-ish, 10:30.

12 Q Did you or anyone, to your knowledge, go
13 and look at the alarm log to determine whether or not
14 anyone had entered Mr. Foster's office in the evening
15 before?

16 A Not to my knowledge.

17 Q We're crawling through July 21st. What's
18 the next thing, Mr. Imbordino, that you recall
19 happening on that day in connection with Mr. Foster's
20 death?

21 A Sometime later that afternoon there was a
22 meeting held with Mr. Nussbaum, I believe Park

34

1 Police, FBI, Justice Department officials were
2 present.

3 Q Were you present?

4 A No, I was not.

5 Q How did you know about the meeting?

6 A I believe Don Flynn told me.

7 Q Do you think Mr. Flynn told you before or
8 after the meeting or both?

9 A Before, in the sense that, once again, to
10 facilitate the people getting into the complex.

11 Q I take it that sometime in the morning of
12 the 21st, Officers Hume and Markland, perhaps among
13 others, arrived in the White House complex. Am I
14 right about that, or do you not know?

15 A I'm sorry, can you say that again?

16 Q Did you see Officers Hume and Markland
17 during the day of the 21st at the White House?

18 A I believe I did. At that time I wasn't
19 putting a face with a name. I did not --

20 Q You saw Park Police officers?

21 A Yes, that's better, Park Police.

22 Q Where were they -- strike that.

1 What's the earliest that you recall seeing
2 them on that day? Can you place it in time?

3 A No, I can't. I believe sometime in the
4 afternoon.

5 Q And do you know physically where they were
6 during the time that they were there on that day?

7 A Well, I assume they went to Nussbaum's
8 office and had their meeting.

9 Q This is the late afternoon meeting that you
10 referred to?

11 A Yes.

12 Q And your assumption is that they arrived
13 late in the afternoon for that meeting?

14 A Sometime in the afternoon, yes, they
15 arrived to take part in this meeting.

16 Q Has anyone ever told you that they were
17 there all day? Have you ever heard that?

18 A No.

19 Q As I say that now, you're hearing that for
20 the first time?

21 A I believe -- I mean, they were there. They
22 got there sometime in the afternoon, and they may

1 have waited.

2 Q To the best of your understanding, they
3 didn't wait an inordinate amount of time?

4 A Whatever "inordinate" means. They waited,
5 and, like I say, I was not part of that meeting. I
6 was not invited. I was doing my business, my normal
7 day-to-day business.

8 Q And I think you've already told me you
9 didn't attend the 5:00 p.m. meeting?

10 A I did not.

11 Q Did you have any understanding of what the
12 purpose of the 5:00 p.m. meeting was?

13 A I assumed they were going to talk about
14 Vincent Foster's office.

15 Q Did you ever learn on July 21st that anyone
16 had entered Mr. Foster's office after the time that
17 the Secret Service posted security outside the
18 office?

19 A Not that I recall.

20 Q And as you sit here today, do you know
21 that? I'm just trying to place when in time you may
22 have learned that, if you ever did.

1 A I believe that's in the newspapers. That's
2 been in the newspapers that people were in that
3 office.

4 Q And that's your only source of knowledge
5 about that, the newspaper?

6 A As I recall.

7 Q Am I safe in assuming that between your
8 10:00 in the morning conversations relating to the
9 securing of the office and the arrival of Chief
10 Langston and your becoming aware later in the day
11 that there would be a meeting in Mr. Nussbaum's
12 office, that you had no further involvement on that
13 day in any of the events relating to Mr. Foster's
14 death or the handling of the documents or his office?

15 A Well, at the conclusion of the Nussbaum
16 meeting, Don Flynn informed me that the decision had
17 been made to put a lock on Mr. Foster's office.

18 Q That's a good point in time, prior to
19 hearing that from Mr. Flynn. I just want to be clear
20 that I haven't missed something else in the course of
21 the day.

22 A Not that I recall, anything unusual.

1 Q Just a couple of wrap-up points. You
2 didn't ever speak with Officers Hume or Markland, to
3 the best of your recollection?

4 A Correct. I don't recall speaking with
5 them.

6 Q Did you speak with Mr. Nussbaum on that
7 day?

8 A No, I did not.

9 Q Did you speak with Mr. Watkins at any point
10 on that day?

11 A Not that I recall.

12 Q Do you recall whether or not you spoke with
13 Ms. Thomasson on that day?

14 A Not that I recall.

15 Q I take it later in time in the ordinary
16 course of events you had an occasion to speak with
17 Ms. Thomasson in your job duties at the White House?

18 A Yes.

19 Q Did Ms. Thomasson tell you she was in
20 Mr. Foster's office on the evening he died?

21 A No, she did not.

22 Q Did she ever say she wasn't there?

1 A No, she did not. We never discussed it.

2 Q Do you ever remember in the newspaper
3 accounts that said that Ms. Thomasson was in that
4 office?

5 A I believe so.

6 Q But you never asked her about that?

7 A No, I did not.

8 Q Did you ever have any conversations with
9 Mr. Watkins about whether or not Ms. Thomasson was in
10 that office that evening?

11 A I did not have any conversations with him.

12 Q I realize this seems extraordinarily
13 redundant. Did you have any conversations with
14 anyone about whether or not anyone was in
15 Mr. Foster's office on the evening that he died?

16 A No, I did not.

17 Q All you know about that today is whatever
18 you may have read in the newspaper?

19 A That is correct.

20 Q Have you ever had an occasion to examine
21 the alarm log for Mr. Foster's office for the evening
22 that he died, for the evening of July 20th?

1 A I have seen it, yes.

2 Q What occasioned you to review that?

3 A That was in connection with another entity
4 that had requested the document.

5 Q Don't describe in your answer any interface
6 with the Independent Counsel or other
7 investigations.

8 A Okay.

9 Q Is it fair to say that other than reviewing
10 that document in connection with some other document
11 request, you had not seen that document?

12 A Correct.

13 Q You didn't yourself go and look at it
14 independently or at the direction of someone in the
15 White House?

16 A I did not.

17 MR. JOHNSON: Let me show you Deposition
18 Exhibit Number 1, Mr. Imbordino, a document bearing
19 document production number Z 000598, and ask you if
20 you recognize that document.

21 (Deposition Exhibit 1 identified.)

22 THE WITNESS: Yes, I do recognize it.

1 BY MR. JOHNSON:

2 Q What is that document?

3 A That is an alarm log printout.

4 Q And is that the -- do you recognize that as
5 the alarm log for the White House counsel's suite for
6 the evening of July 20, 1993 through July 22, 1993?

7 A I believe it is.

8 Q As you review that document, using your
9 understanding of it, what does it tell you about
10 access to Mr. Foster's office or the White House's
11 counsel's suite generally -- I realize it doesn't say
12 who was in which office there -- on the evening of
13 July 20th?

14 A That individual Castleton had conversations
15 with our control center and O'Neill --

16 Q Let me ask you -- you're a lot more
17 familiar with this than I am. Can you tell by
18 looking at this log whether or not Mr. Castleton was
19 turning the alarm on or off or causing the alarm to
20 be turned on or off?

21 A No, I can't.

22 Q That's not within your area of expertise to

1 tell that?

2 A Correct.

3 Q If I asked you that same question with
4 respect to every entry on here, you can't figure that
5 out from this?

6 A That's correct.

7 Q You started to say O'Neill. I interrupted
8 you.

9 A I know O'Neill is a uniformed division
10 officer.

11 Q What does this indicate to you about
12 Mr. O'Neill?

13 A That he had access to those offices, or
14 this office.

15 Q How do you know that?

16 A I do know that night he was -- I believe he
17 was the cleaning person escort.

18 Q Can you tell by reference to that at what
19 time Mr. O'Neill had access to the office?

20 A Specifically I can look at the times here,
21 but exactly what the right side means, no, I can't.

22 Q Do you see any other -- can you tell

1 whether or not anyone else had access to that office
2 on that evening?

3 A No, I can't.

4 Q Did you ever have an occasion to explain
5 the alarm log or the alarm system generally to any of
6 the Park Police?

7 A Not that I recall.

8 Q You don't ever recall speaking with Officer
9 Markland or Officer Hume or anyone else about the
10 alarm system?

11 A Not that I recall.

12 Q Just ask a couple of other general
13 questions. Is there a safe located in the
14 White House counsel's suite, to the best of your
15 knowledge?

16 A I do not know.

17 Q I can guess at your answer to this.
18 Suppose there is a safe. Would the Secret Service
19 have the combination to that safe?

20 A I don't believe we would.

21 Q And I assume from your previous two answers
22 that in the days surrounding Mr. Foster's death, you

1 didn't have any conversations with anyone about
2 access to any safes in the White House counsel's
3 office?

4 A No, I did not.

5 Q I think you told me that -- strike that,
6 Julie, if you would.

7 Let me ask you about the location of burn
8 bags. Would a burn bag be located in the White House
9 counsel's suite?

10 A It could be.

11 Q Should it be? I'm asking about general
12 procedures.

13 MR. KRAVITZ: I object to that. I don't
14 understand what that means, when you say "should it
15 be."

16 BY MR. JOHNSON:

17 Q Would it be part of your normal procedures,
18 the White House procedures -- and if there isn't one,
19 say there isn't one -- to have a burn bag in each
20 suite?

21 A I could speak in general terms, most staff
22 people would have a burn bag. However, depending on

1 that person, he or she may have a secretary take
2 things that belong in a burn bag and put them in
3 the -- the burn bag may be by the secretary's desk,
4 not by my desk.

5 Q So your assumption is that there would have
6 been a burn bag somewhere in the vicinity. Is that
7 fair or is that unfair?

8 A In that suite, there could have been, yes,
9 or there should have been, yes.

10 Q And I infer from your previous answer that
11 you don't know whether or not there was one actually
12 in Mr. Foster's office?

13 A No, I do not.

14 MR. KRAVITZ: I'm sorry, he doesn't know
15 whether there was a burn bag in Mr. Foster's office
16 when?

17 BY MR. JOHNSON:

18 Q At or about the time of his death in July.

19 A I have no knowledge of a burn bag.

20 MR. JOHNSON: Is that clear?

21 MR. KRAVITZ: I think the record should be
22 clear. Maybe it is. Maybe it isn't. But I think

1 the witness meant to testify that he has no knowledge
2 whether there was a burn bag in or around
3 Mr. Foster's office at the time of his death.

4 BY MR. JOHNSON:

5 Q Is that correct?

6 A That's correct.

7 MR. JOHNSON: Are you clear on that?

8 MR. KRAVITZ: Yes.

9 BY MR. JOHNSON:

10 Q What are the procedures for removing trash
11 from White House west wing offices, if you know?

12 A In general terms, cleaning people come into
13 the west wing of the White House. They're escorted
14 by a uniformed division officer, and they go about
15 their business of cleaning offices and picking up
16 trash.

17 Q Let me just ask you a couple of questions
18 about that. Do the cleaning people also remove burn
19 bags?

20 A I don't believe they do.

21 Q Who, if not the cleaning people, has the
22 responsibility for removing the burn bags?

1 A I believe it would be a uniformed division
2 officer.

3 Q Are the burn bags removed every night, to
4 the best of your knowledge?

5 A I do not know what their schedule is.

6 Q I'll come back to burn bags in a moment,
7 but let's return to trash. The cleaning people are
8 escorted into offices by uniformed division officers;
9 is that correct?

10 A Yes.

11 Q When we were looking at the alarm log, I
12 think you told me Mr. O'Neill had that responsibility
13 on the evening of the 20th?

14 A That's correct.

15 Q How do you know that?

16 A How do I know that? In conversation over
17 the past period of time his name has come up as being
18 the person that did the escort.

19 Q Without revealing which particular
20 conversations, am I correct in assuming that in
21 connection with some investigation you personally
22 have come to learn that Mr. O'Neill had that

1 responsibility? Is that a fair statement?

2 A Correct.

3 Q Have you spoken directly with Mr. O'Neill
4 about that?

5 A No, I have not.

6 Q Did you arrive at your knowledge by
7 referring to some other log or document that would
8 indicate that he had that responsibility on that
9 evening?

10 A No. I basically went to his supervisors
11 and asked who had that duty that night.

12 Q And they told you that he did?

13 A Yes.

14 Q I take it the trash is just removed from
15 the office and put in some kind of trash container;
16 is that correct?

17 A I believe so.

18 Q Mr. Imbordino, if I wander into areas that
19 you just don't have any knowledge about that, feel
20 free to tell me that. I don't mean to press you too
21 much on that.

22 Where does it go?

- 1 A Specifically, I don't know.
- 2 Q You don't know where the cleaning people
- 3 take it?
- 4 A No, I do not.
- 5 Q Is it examined by the Secret Service or
- 6 anyone, to your knowledge?
- 7 A Not that I'm aware of.
- 8 Q Just thrown out like everybody else's
- 9 trash, so far as you know?
- 10 A Correct.
- 11 Q Is the trash removed every night, to the
- 12 best of your knowledge?
- 13 A I assume it is.
- 14 Q And do you know whether trash is picked up
- 15 at the White House by some disposal service every
- 16 day? In other words -- I realize that's not clear.
- 17 Trash that may have been removed from
- 18 someone's office, let's say, on a Tuesday night. If
- 19 I wanted to find it on Thursday, would it still be at
- 20 the White House?
- 21 A I have no knowledge of that.
- 22 Q I departed on this extraordinarily

- 1 interesting diversion. You were telling me that
- 2 Mr. Flynn told you after the 5:00 p.m. meeting that a
- 3 lock was going to be put on Mr. Foster's door; is
- 4 that correct?
- 5 A Yes.
- 6 Q Did he say why?
- 7 A The reason for the lock was that the
- 8 integrity of the office needed to be maintained and
- 9 in lieu of having an officer there all night, we
- 10 would put a lock on that door.
- 11 Q What involvement, if any, did you have in
- 12 causing the lock to be put on the door?
- 13 A I believe after being told by Mr. Flynn, I
- 14 called our technical security division --
- 15 Q Sometimes referred to as TSD; is that
- 16 correct?
- 17 A Correct, and stated that we needed a lock
- 18 put on Mr. Foster's office door.
- 19 Q Was it just any old lock or were there any
- 20 special requirements of this lock?
- 21 A It was a lock, normal lock.
- 22 Q I've come to understand through other

1 sources that this lock maybe only had one key or had
2 a nonduplicatable key or something of that kind. I
3 don't mean to say if that's true. I'm asking if
4 you've ever heard anything like that?

5 A I believe the only person who had a key was
6 Don Flynn.

7 Q I take it in the ordinary course of that
8 evening the lock was placed on the door, so far as
9 you know?

10 A Yes.

11 Q Did you personally go up with them or
12 anything like that?

13 A Yes.

14 Q Who was physically present when the lock
15 was placed on the door?

16 A Myself, from memory, the lock person --
17 there was two lock people.

18 Q Do you recall either of their names?

19 A No, I do not.

20 Q Was a Mr. Kammerdeiner present?

21 A I don't believe so.

22 Q Do you know who Mr. Kammerdeiner is?

1 A I've heard his name, yes.

2 Q And your best recollection is he was not
3 there on that evening?

4 A Correct, but it was Don Flynn and myself
5 and the two lock people. Don and I observed as they
6 put the lock on.

7 Q Was there anyone else in the White House
8 counsel's office as this was occurring?

9 A Not that I recall.

10 Q Was Mr. Nussbaum there?

11 A Not that I recall.

12 Q When you walked into the White House
13 counsel's office, I take it there was a
14 Secret Service guard there?

15 A At what point?

16 Q When you went up to place the lock on the
17 door.

18 A Yes.

19 Q Was the door to Mr. Foster's office open or
20 closed at that time, if you recall?

21 A I don't recall.

22 Q How long did it take to put the lock on the

- 1 door?
- 2 A Couple hours maybe.
- 3 Q Did you stay there the entire time?
- 4 A Yes.
- 5 Q Did anyone go in or out of the office
- 6 during that time?
- 7 A Not that I'm aware of -- or not that I
- 8 recall.
- 9 Q And I think you testified earlier that the
- 10 keys were given to Mr. Flynn; is that correct?
- 11 A Correct.
- 12 Q You didn't yourself have a key?
- 13 A I did not.
- 14 Q To the best of your knowledge, no one else
- 15 had a key?
- 16 A To the best of my knowledge, no one else
- 17 had a key.
- 18 Q Did you have an occasion to return to the
- 19 White House counsel's suite at any time later that
- 20 evening?
- 21 A No, I did not.
- 22 Q What participation, if any, did you have,

- 1 still on the 21st of July, after the lock was in
- 2 place, in any of the events surrounding Mr. Foster's
- 3 death or securing his office or anything generally
- 4 related to that topic?
- 5 A Both Don and I made sure the lock was
- 6 locked. Don took the key and I believe we went home.
- 7 Q Have I missed anything that occurred on the
- 8 21st of July in connection with Mr. Foster's death or
- 9 the securing of his office of which you have
- 10 knowledge?
- 11 A No, not that I recall.
- 12 Q Let's jump forward, then.
- 13 A Can we take a little break?
- 14 MR. JOHNSON: Sure. Why don't we take 10
- 15 minutes.
- 16 (Recess.)
- 17 BY MR. JOHNSON:
- 18 Q Mr. Imbordino, no pun intended, a couple of
- 19 cleanup questions on the trash removal. We sometimes
- 20 use the word "trash removal" and sometimes refer to
- 21 the cleanup crew. It's my understanding that that's
- 22 all done by the same people, that the people who

1 clean the offices are responsible for removing the
2 trash; is that correct?

3 A I assume that's correct.

4 Q You're not aware if there are two sets of
5 people, one who goes and collects trash and the other
6 who dusts the desk or anything like that?

7 A I have not personally seen the cleaning
8 people in action.

9 Q And, hypothetically, if we were to look at
10 the access alarm log to the west wing suites, I take
11 it we would find an entry by a uniformed division
12 officer into those suites virtually on every night in
13 connection with the trash collection?

14 A If, in fact, that's what their schedule is.

15 Q By that, do you mean it may not be every
16 night?

17 A The trash collection?

18 Q Yes, sir.

19 A I don't know if it is or not. And also, if
20 the staff person is still there, then there would be
21 no entry because the office would be open.

22 Q So assuming the office was secure, it

1 wouldn't be at all unusual on the access alarm logs
2 to see an entry by a uniformed division officer
3 because of the reason you've stated, they go in to
4 monitor the cleaning crews?

5 A Yes.

6 Q Does anyone other than the uniformed
7 division officers have responsibility for accessing
8 and monitoring the cleaning crews, or is that
9 exclusively a Secret Service function?

10 A I believe it's a Secret Service function.

11 Q To the best of your knowledge, White House
12 security doesn't serve that role?

13 A When you say "White House security" --

14 Q Non-White House Secret Service?

15 A Then I believe that is correct, I believe
16 it's Secret Service.

17 Q Do you know who Craig Livingstone is?

18 A Yes, I do.

19 Q Do his job duties include removing trash,
20 to the best of your knowledge?

21 A Not that I'm aware of.

22 Q And so far as you know, neither

1 Mr. Livingstone nor members of his staff have the
2 responsibility for escorting the cleaning crews
3 around in the west wing?

4 A Not that I'm aware of.

5 Q The evening of the 21st, when you were
6 placing the lock on the door, you said that took a
7 couple of hours, more or less -- I realize you're
8 estimating -- to do. Is that an unusual amount of
9 time, or is that about right?

10 A I am not a lock person. I assume that's a
11 normal amount of time, drill the hole, line things
12 up.

13 Q It didn't seem extraordinarily long to you
14 at the time?

15 A No, it did not.

16 Q During that couple of hours, I may have
17 asked you this before, did anyone go into
18 Mr. Foster's office?

19 A No, not that I recall.

20 Q I take it, however, it's necessary to at
21 least open the door to place a lock on it?

22 A Mr. Foster's office?

1 Q Yes.

2 A Sure, yes.

3 Q When the door was open, did you personally
4 see in the office?

5 A I saw the wall.

6 Q Do you remember seeing anything else?

7 A No, I did not. I did not pay attention.

8 Q You didn't kind of poke your head in and
9 look around?

10 A Not that I recall.

11 Q To the best of your knowledge, did any of
12 the other people who were present look around in
13 Mr. Foster's office -- I realize no one entered, but
14 during that period of time the door was open, did you
15 see anyone look in?

16 A Not that I recall.

17 MR. KRAVITZ: Are you asking about the time
18 when the lock was being installed?

19 MR. JOHNSON: Yes, absolutely. Thank you.

20 BY MR. JOHNSON:

21 Q Did you understand my question to relate to
22 the time when the lock was being installed?

1 A In the normal installation of the lock,
2 they were in there doing their measuring, and I did
3 not -- it did not appear anybody was looking around.
4 They were doing their job.

5 Q Let's come forward in time to the 22nd of
6 July 1993. I take it you arrived at the White House
7 at your ordinary time on that day?

8 A Normal.

9 Q What's the first thing that you recall
10 happening on that day, Mr. Imbordino, in connection
11 with Mr. Foster's office or documents or the
12 investigation into Mr. Foster's death?

13 A I believe there were going to be interviews
14 of some staff. These interviews were going to be
15 conducted by Park Police, FBI.

16 Q How did you learn that?

17 A I believe Don Flynn told me.

18 Q Do you recall what members of the staff
19 were interviewed?

20 A I believe the two names -- I recall a Betsy
21 Pond and a Linda Tripp.

22 Q Were you physically present in those

1 interviews?

2 A I was physically -- yeah, I was, but I
3 can't recall which interview, which ones I was part
4 of. I mean, I remember Park Police, FBI and then
5 myself as a team so to speak.

6 Q Do you remember how many interviews you
7 participated in that day? And by "participated," I
8 mean just physically present.

9 A Physically present, I believe, for two, one
10 or two.

11 Q And is it your best recollection that those
12 were the interviews of Ms. Pond and Ms. Tripp?

13 A Those are the two names that come to mind.

14 Q Let me try and put some names on the other
15 people. You said Park Police. Do you recall who?

16 A Hume, yes.

17 Q Let me just be clear. Officer Hume was the
18 Park Police officer who was present in the
19 interviews; is that correct?

20 A I believe so.

21 Q Do you recall who from the FBI was present?

22 A One of the names, I believe, is Salter, was

1 a Salter.

2 Q Was there more than one FBI agent present?

3 A Yes.

4 Q You don't remember the name of the other?

5 A I do not.

6 Q Was it Agent Condon, does that refresh your
7 recollection?

8 A Yes, that's a name that I recall, Condon.

9 Q And of course, let's focus on the interview
10 with Ms. Pond. Ms. Pond was present; is that
11 correct?

12 A Uh-huh.

13 Q And you were present. Anyone else, to the
14 best of your recollection?

15 A As I spoke, the FBI agent and the Park
16 Police investigator, along with -- there was one of
17 the attorneys, one of the staff attorneys
18 participated.

19 Q Was it Mr. Neuwirth?

20 A He was one of the attorneys. I don't
21 specifically recall if he took part in the interview
22 that I sat in on.

1 Q Why were you present in the interview,
2 Mr. Imbordino?

3 A Basically for the continuity of -- for the
4 continuity of being part of the staff liaison with
5 these investigators.

6 Q What was your understanding of why
7 Mr. Neuwirth was present?

8 A I believe he represented, obviously, an
9 attorney for the staff.

10 MR. KRAVITZ: Just so the record is clear,
11 I don't believe Mr. Imbordino testified that
12 Mr. Neuwirth was present. I think he testified that
13 someone from the White House legal staff was
14 present. He doesn't know who it was.

15 BY MR. JOHNSON:

16 Q Is that correct?

17 A That is correct. To clarify further, I
18 don't recall -- I recall sitting in on one or two
19 interviews. I do not recall specifically which staff
20 people were being interviewed, nor do I recall what
21 attorney was present.

22 Q You do recall there was an attorney

1 present, but you don't today recall which one it was?

2 A Correct.

3 Q And whatever the name of the attorney who
4 was present, what was your understanding of why he
5 was present?

6 A I believe he was there for the purpose of
7 being with the staff person that was being
8 interviewed.

9 Q Who conducted the interviews?

10 A Park Police and FBI.

11 Q Did they sort of do it jointly, as you
12 observed it?

13 A If my memory is right, yes.

14 Q Was it clear that one or the other was
15 taking the lead, as you witnessed it?

16 A The specifics, I don't recall, but in the
17 normal process, one would normally ask the question.

18 Q How long do you suspect the interviews
19 were?

20 A 15 minutes, half an hour, if my memory is
21 right. Nothing in my mind recalls that it was an
22 extraordinary amount of time.

1 Q Other than the people you identified, did
2 anyone else come into the interviews during their
3 course?

4 A Not that I recall.

5 Q Do you remember whether or not Mr. Nussbaum
6 came into one of the interviews?

7 A I don't recall seeing him.

8 Q In the interviews in which you were
9 physically present, did either the Park Police or the
10 FBI ask the White House staff members who were being
11 interviewed whether or not they had been in
12 Mr. Foster's office?

13 A I don't recall them asking that.

14 Q And whether or not they asked, do you
15 recall whether anyone being interviewed stated that
16 they had or had not been in Mr. Foster's office after
17 the time of his death?

18 A I do not recall that either.

19 Q No recollection one way or the other?

20 A No recollection.

21 Q Do you recall whether the attorney
22 present -- I know you don't recall specifically which

1 attorney was present -- spoke during the interviews?

2 A I don't recall.

3 Q And I take it therefore, you don't recall
4 whether he directed the people to not answer any
5 questions?

6 A I don't recall that either.

7 Q During the course of the interviews that
8 you attended, did either the Park Police or the FBI
9 ask the staff members being interviewed anything
10 about the contents of Mr. Foster's office?

11 A Not that I recall.

12 Q So therefore, just to be a little more
13 particular, you don't recall asking them whether or
14 not anything had been removed from the office?

15 A I don't recall that.

16 Q And similarly, you don't recall asking them
17 whether or not anything had been placed in that
18 office?

19 A That's correct. I don't recall that.

20 Q Do you recall anything else about these
21 interviews that I've neglected to ask you?

22 A No, I don't.

1 Q What's the -- your best recollection is
2 that you physically participated in two or three of
3 these interviews; is that correct?

4 A I think I said one or two.

5 Q And the names you mentioned were Ms. Pond
6 and Ms. Tripp?

7 A I recall them as being part of
8 Mr. Nussbaum's staff that was interviewed. I don't
9 recall specifically if those were the ones I sat in
10 on.

11 Q Do you know whether or not Ms. Gorham was
12 also interviewed on that morning?

13 A That name sounds familiar.

14 Q And I take it you don't recall whether or
15 not you sat in on her interview?

16 A As I said, I don't recall the names, the
17 parties that were interviewed.

18 Q What about Mr. Castleton, do you know
19 whether or not Mr. Castleton was interviewed on that
20 morning?

21 A I don't know if he was or not.

22 Q Now, all of the other three people I've

1 mentioned, Deborah Gorham, Linda Tripp and Betsy
2 Pond, were women.

3 A Yes.

4 Q Did you sit in on the interviews of any
5 men?

6 A Not that I recall.

7 Q On July 22nd, Mr. Imbordino, what's the
8 next thing that happened in connection with
9 Mr. Foster's death as we've generally defined it,
10 about which you have knowledge?

11 A I was told by Mr. Flynn, I believe, that
12 the office was going to be opened and searched, and
13 that would take place at 1:00, 1:30.

14 Q Do you recall anything more about what
15 Mr. Flynn said?

16 A No.

17 Q Did he say searched for what or by whom?

18 A Well, I knew it was going to be the Park
19 Police and the FBI.

20 Q Your understanding is that the office was
21 going to be searched by the Park Police and the FBI?

22 A Correct.

1 Q Do you think Mr. Flynn said that or was
2 that your general understanding?

3 A General understanding. The gentlemen were
4 going to be in the complex. As I said, 1:30-ish, the
5 door was going to be opened and the parties were
6 going to go in.

7 Q This may be impossible to remember, but
8 what time of day do you recall Mr. Flynn telling you
9 that the search was going to take place?

10 A Late morning, early afternoon.

11 Q What's the next thing you remember
12 happening?

13 A I remember Don Flynn unlocked Foster's
14 door.

15 Q Approximately what time? Do you have any
16 recollection?

17 A As I said, 1:30, quarter to 2:00, in that
18 period there.

19 Q Did you attend any meetings or participate
20 in any discussions with the participants in that
21 search before Mr. Flynn opened the door?

22 A No, I did not.

1 Q I take it, however, you were physically
2 present when he did open the door --

3 A Yes.

4 Q -- in that 1:30-ish time frame?

5 Why were you present?

6 A Once again, the continuity, making sure
7 that the appropriate people that needed to be there
8 were there.

9 Q Mr. Flynn opened the door?

10 A Yes.

11 Q Were you standing next to him when he
12 opened the door?

13 A Specifically, I don't recall exactly where
14 I was standing. I could have been in the hall going
15 into the suite or into the door or into the office.

16 Q Is it your best recollection that Mr. Flynn
17 was the first one in the office? Did he open the
18 door and walk in himself or did he open the door and
19 let others pass?

20 A I don't recall.

21 Q And then what happened after Mr. Flynn
22 opened the door -- strike that.

1 Prior to that, were there any conversations
2 at all in which you participated about what was going
3 to happen in that office?

4 A No.

5 Q Can you just kind of tell us what
6 happened.

7 A The parties entered the office. I sat in
8 the back of the office. I believe there was a need
9 to get more chairs. I assisted with that, and I sat
10 in the back by the door.

11 Q How many people were in the office? I know
12 it was a lot, but do you have a ballpark impression?

13 A I recall -- I believe two Park Police, two
14 FBI, two Justice Department, Nussbaum, his
15 associates -- three or four -- Don Flynn and myself.

16 Q Do you remember the names --

17 A And of course Nussbaum, if I didn't say
18 that.

19 Q Do you remember the names of Mr. Nussbaum's
20 associates who were present?

21 A I believe Cliff Sloan was there, Steve
22 Neuwirth. I believe there was an attorney -- another

1 attorney, that represents the President -- no, excuse
 2 me, not the President, I believe Foster, his private
 3 attorney and there may have been one or others.

4 Q Was Mr. Burton present, do you recall?

5 A No -- well, I don't recall. I remember
 6 Mr. Burton after that, but during that period of time
 7 I didn't know who Mr. Burton was. He may have been.

8 Q And you sat, I think you said, back by the
 9 door?

10 A Yes, I did.

11 Q Were you the closest person to the door?

12 A I believe so.

13 Q Where was Mr. Nussbaum physically?

14 A He sat behind Mr. Foster's desk.

15 Q Was there anyone else behind the desk with
 16 Mr. Nussbaum?

17 A His staff.

18 Q That would be Mr. Neuwirth and Mr. Sloan?

19 A Yes.

20 Q Do you remember that the Department of
 21 Justice representatives present were Mr. Margolis and
 22 Mr. Adams? Does that refresh your recollection?

1 A The name Margolis I recall. Adams I do
 2 not.

3 Q Do you remember that there was more than
 4 one Department of Justice representative present?

5 A Yes. As I said, there was two.

6 Q Where did they sit?

7 A They sat in -- I mean, there was the desk.
 8 They sat in front of the desk, as we all kind of
 9 crushed in there.

10 Q With the rest of the crowd?

11 A With the rest of the crowd, yes.

12 Q Were you physically present throughout the
 13 entire search, Mr. Imbordino?

14 A No, I was not.

15 Q You left a couple of times, I think, to
 16 answer pages; is that correct?

17 A That is correct and maybe to get a chair or
 18 to get a box or whatever.

19 Q You don't remember who paged you out of the
 20 meeting?

21 A No, I do not.

22 Q I take it, however, the page to come out of

1 the meeting had nothing to do at all with what was
2 going on in the meeting?

3 A That is correct.

4 Q Why don't you tell us, to the best of your
5 recollection, how the search was conducted.

6 A To the best of my recollection, there was
7 stacks of papers that Mr. Nussbaum would go through.

8 Q Let me stop you there. When you walked
9 into the office, were the stacks of papers already
10 existing?

11 A I don't recall. And for the record, this
12 was not a Secret Service investigation. Once again,
13 we were there for the continuity. It was not our
14 investigation.

15 Q Did Mr. Nussbaum say anything at the
16 beginning of the search?

17 A Not that I recall specifically.

18 Q Do you recall whether there was any
19 discussion for the entire group of the procedures for
20 the search?

21 A Not that I recall.

22 Q I'm sorry, I interrupted you. You said

1 Mr. Nussbaum was going through the piles of paper.

2 A There were stacks of papers and he was
3 determining what those papers were.

4 Q Was he conferring with anyone?

5 A His staff conferred with him.

6 Q Did anyone other than Mr. Nussbaum review
7 the documents or the papers?

8 A Maybe his staff and maybe some were seen by
9 the investigators. I don't recall specifically.

10 Q Were the investigators allowed to review
11 all of the documents in the room?

12 A No, that I saw, no.

13 Q In fact, they were specifically prohibited
14 from reviewing all of the documents in the room,
15 weren't they?

16 A I don't know if prohibited is the right
17 word. They did not physically go through a lot of
18 documents when I was there.

19 Q Was it your understanding that if they
20 wanted to, they could go up and look at all the
21 documents they wanted to up there?

22 A My understanding is that they had had a

1 meeting, as we had discussed, that I was not part
2 of. I assumed the guidelines were discussed and once
3 this search commenced, they adhered to the
4 guidelines.

5 Q You don't know what those guidelines were?

6 A No, I do not.

7 Q Were you present when one of the members of
8 the audience stood up and was reprimanded for trying
9 to look at documents?

10 A Yes, I was.

11 Q Do you draw any inference from that about
12 whether or not everyone in the room was allowed to
13 look at documents?

14 A Can you repeat that now?

15 Q Sure. Isn't it fair to conclude that -- if
16 they reprimanded him from trying to look at
17 documents, isn't it fair to conclude that they
18 weren't allowed to look at the documents in the room?

19 A I don't know if he was a reprimand for
20 looking. I assumed that there were documents there
21 that -- yeah, that they did not want those folks to
22 see.

1 Q And while you were present in the room --
2 were you present for the entire time of the review?

3 A As I had said, no, I was not.

4 Q Other than the brief periods of time when
5 you went in and out, were you present for the entire
6 time?

7 A Yes.

8 Q And for the period of time that you were
9 present, was anyone in the room other than
10 Mr. Nussbaum and his staff allowed to review
11 documents?

12 A I don't recall the investigators looking at
13 any documents.

14 Q Your best recollection today is that they
15 did not. Is that a fair statement?

16 A That's correct, while I was present.

17 Q How long do you think the search lasted?

18 A Hour and a half maybe, two hours.

19 Q I realize this is going to be difficult to
20 recall, but generally speaking, physically how did it
21 proceed? For example -- and only by way of example,
22 I don't mean to suggest an answer -- did it start at

1 the desk and go somewhere else or what's your
2 recollection about how it happened?

3 A My recollection was Mr. Nussbaum sitting at
4 the desk going through the documents.

5 Q Did Mr. Nussbaum open desk drawers and put
6 documents up on the desk? Do you have any
7 recollection of things like that?

8 A He may have.

9 Q You don't recall?

10 A I don't recall specifically.

11 Q And do you have any recollection of whether
12 he went to other locations in the office to retrieve
13 documents? Did you ever see him --

14 A Not that I recall.

15 Q Is it your recollection that all of the
16 documents were physically in the desk area that he
17 removed?

18 A Yes, I think.

19 Q There's a bookcase in Mr. -- there was, I
20 believe, a bookcase in Mr. Foster's office at that
21 time. Did you see a bookcase there?

22 A I believe so, yes.

1 Q Did it have documents on it?

2 A I didn't pay attention to exactly what was
3 on the case. I mean, there were books. There may
4 have been documents.

5 Q Do you remember whether or not Mr. Foster
6 went over to the bookcase to get documents --

7 MR. KRAVITZ: You mean Mr. Nussbaum?

8 MR. JOHNSON: Oh, thank you.

9 THE WITNESS: He may have.

10 BY MR. JOHNSON:

11 Q Let me ask the question correctly. Do you
12 remember whether or not Mr. Nussbaum went over to the
13 bookcase to look at documents?

14 A He may have. I don't specifically recall.

15 Q Did you see Mr. Nussbaum or anyone else
16 look in a briefcase that was present in the office?

17 A No, I did not.

18 Q You don't have any recollection at all of
19 Mr. Nussbaum or anyone else looking through a
20 briefcase?

21 A No, I do not.

22 Q Do you know today whether or not that

1 briefcase -- through any other source, for example,
2 do you know whether or not a briefcase was reviewed?

3 A I believe I read something to that effect
4 in the newspapers.

5 Q But you haven't had any conversations with
6 anyone else who was in that room about whether or not
7 the briefcase was searched?

8 A No, I have not.

9 Q Were there any -- in the course of the
10 search or review, did you see whether or not there
11 were any dictaphone tapes in that office?

12 A Not to my knowledge.

13 Q Was there any discussion, to the best of
14 your recollection, during the course of the review
15 about computer tapes or disks?

16 A Not that I recall.

17 Q Do you recall there being any discussion
18 about whether or not to turn on Mr. Foster's
19 computer?

20 A Not that I recall.

21 Q Do you recall any conversations relating to
22 telephone logs?

1 A Not that I recall. Those could have been
2 part of the documents that were on the desk.

3 Q You don't know one way or the other?

4 A Specifically, I do not know.

5 Q What about any conversations that may have
6 occurred relating to Mr. Foster's diaries or notes or
7 things of that kind? Do you recall any conversations
8 about that?

9 A No, I do not.

10 Q During the course of the review or search
11 in Mr. Foster's office, did anyone attempt to access
12 the voice mail of his telephone?

13 A Not that I recall.

14 Q Do you recall any discussions about voice
15 mail or telephone recordings or anything of that
16 kind?

17 A Not that I recall.

18 Q Did anyone go through the trash?

19 A Not that I recall.

20 Q Did you see where the trash can was?

21 A I don't recall even seeing a trash can.

22 Q You were sitting in the back of the room;

1 is that correct?

2 A Yes, I was.

3 Q How close were you to the door?

4 A Pretty much up against it.

5 Q If the trash can had been at the door,
6 would you have seen it?

7 A Possibly.

8 Q And your best recollection today is that
9 you didn't?

10 A Doesn't come to mind.

11 Q Mr. Nussbaum, I take it, personally
12 reviewed all of the documents in the office, at least
13 as you observed it; is that correct?

14 A Yes.

15 Q With how much care did he seem to review
16 the documents? And I realize that the statement is
17 somewhat subjective, but was it your impression that
18 he read all of every document, or something less than
19 that?

20 A It seemed to be a quick review.

21 Q So I infer from that answer that your
22 impression was that he didn't read all of every

1 document; is that right?

2 A I don't know what his reading skills were.
3 I mean, he looked at the document and went from
4 there. It wasn't a long, drawn out process.

5 Q Certain -- I assume, tell me if I'm
6 wrong -- there were not just single documents, but
7 folders of documents in Mr. Foster's office; is that
8 correct?

9 A The documents -- there were documents on
10 his desk. I don't specifically recall how they were
11 stacked or the order, if there was an order. It
12 looked like a normal desk with papers on it, I mean
13 attorney papers, folders, like a normal working
14 office would look.

15 Q In the folders, for example, that you
16 saw -- I realize this is all a memory test, an event
17 that wasn't very important to you from two years
18 ago -- but do you recall whether or not Mr. Nussbaum
19 opened the folders, or did he make his judgment about
20 the document based upon a review of less than the
21 entire folder?

22 A I don't recall exactly how -- if he opened

1 them or not.

2 Q Was there any discussion during the course
3 of the review in Mr. Foster's office of a potential
4 suicide note?

5 A Not that I recall.

6 Q No one said that's what we're here to look
7 for or have we looked everywhere one might be, or, to
8 the best of your recollection, the topic just didn't
9 come up?

10 A I don't recall that coming up.

11 Q I may have asked you this. I apologize. I
12 know you don't remember seeing the briefcase. Do you
13 remember whether there were any conversations about
14 the briefcase?

15 A Not that I recall.

16 Q And I take it the meeting went on until
17 Mr. Nussbaum and his colleagues were satisfied that
18 all of -- strike that question.

19 How did the meeting end?

20 A I guess the documents had been reviewed and
21 Nussbaum stood up. Everybody stood up and the
22 meeting was concluded.

1 Q Was there any conversation generally about
2 the procedures that would take place henceforth, on a
3 go-forward basis with respect to the documents?

4 A I do believe -- what I recall was there was
5 some papers that were going to be given to
6 Mr. Foster's attorney and was there a box around or
7 something we could put these papers in.

8 Q Was it your understanding that Mr. Foster's
9 attorney was going to physically remove those papers
10 at that time?

11 A I don't know if it was going to be at that
12 time or at a later date, but that these were
13 Mr. Foster's -- whatever it was to be determined, to
14 be private papers.

15 Q Do you recall, Mr. Imbordino, any
16 discussion about what would happen to the papers that
17 Mr. Foster's attorney was not taking with him then or
18 at some later date?

19 A I don't recall any of that or any
20 discussion on that matter.

21 Q What other discussions, if any, do you
22 recall at the conclusion of the meeting about what

1 would happen to the documents, if at all?

2 A Nothing that I recall.

3 Q Did the group stand as a whole to leave?

4 A I believe so.

5 Q Did you personally participate in any
6 discussions about whether or not the office would
7 continue to be secured after that meeting?

8 A I did not participate in those, no.

9 Q Do you have any knowledge today about
10 whether or not the office continued to be secured
11 after that meeting?

12 A My understanding is once that office had
13 been searched, that there was no need for any
14 additional Secret Service lock or individual to stand
15 post, if you will, and I believe Don Flynn gave the
16 key back to Mr. Nussbaum, and that was the conclusion
17 of the Secret Service's participation.

18 Q Now, you testified a little while ago that
19 your understanding of the purpose of this search or
20 review was for the Park Police and the FBI to conduct
21 a search of Mr. Foster's office. Do you remember
22 that?

1 A Yes.

2 Q Did the Park Police and the FBI conduct a
3 search of Mr. Foster's office?

4 A I believe that's what was agreed upon
5 between them and Mr. Nussbaum in the meeting that I
6 didn't attend -- I assumed that that's how they
7 conducted their search.

8 Q But, in fact, neither the Park Police nor
9 the FBI searched anything, as you've described the
10 meeting. Is that fair?

11 A From the -- for the time I was there, I did
12 not see them review any documents.

13 Q And based upon everything you know, at the
14 conclusion of this search of Mr. Foster's office,
15 it's true, isn't it, that the only people to have
16 reviewed all of the documents in that office -- the
17 only person to have reviewed all of the documents in
18 that office was Mr. Nussbaum, based upon your
19 observation?

20 A Based upon my observation and based upon
21 the time I was in the office, that's correct.

22 Q And at the conclusion of that meeting, it's

1 your understanding that the office was no longer
2 secured, at least by the Secret Service. Is that a
3 fair statement?

4 A There was no longer a need for the Secret
5 Service to secure that office, that is correct.

6 Q And you don't today have any understanding
7 about what, if anything, happened to the documents in
8 that office after Mr. Flynn turned the key back over
9 to Mr. Nussbaum?

10 A No, I do not.

11 Q Did you overhear anyone in the course of
12 the search of Mr. Foster's office ask Mr. Nussbaum to
13 continue the security of the documents in that
14 office? Did anyone say words essentially to that
15 effect?

16 A Not that I recall.

17 Q Do you remember Mr. Nussbaum or anyone else
18 stating that it was not possible to keep the office
19 secure any longer?

20 A I don't recall him saying that.

21 (Pause.)

22 Q Just a couple of -- I'm going to go back

1 over a couple of things that I neglected to ask you.
2 Referring to the morning interviews -- and I
3 understand specifically you don't recall whose
4 interviews you sat in on, and you don't specifically
5 recall what attorney was present. We've established,
6 I think -- correct me if I'm wrong -- that in the
7 afternoon search in Mr. Foster's office, Mr. Sloan
8 and Mr. Neuwirth were went in that search; is that
9 correct?

10 A Yes, they were.

11 Q Do you recognize them as -- strike that.

12 Are you clear today that it was one of
13 them, either Mr. Neuwirth or Mr. Sloan who was
14 present on the morning interviews?

15 A To be honest, I don't recall which one of
16 those individuals were --

17 Q I didn't ask it very well, but are you
18 clear it's one of the two of them and not someone
19 else?

20 A I believe it was one of the two.

21 Q And you just can't say which one?

22 A Correct.

1 Q The interviews that Park Police conducted
2 on the morning of the 22nd, do you know whether or
3 not they conducted them simultaneously or
4 sequentially? And by that, I mean to ask if more
5 than one interview was taking place at the same
6 time.

7 A As I stated, there was FBI, Park and --
8 myself, FBI, Park and I believe Don Flynn, so there
9 was interviews going on simultaneously.

10 Q Your understanding is that Mr. Flynn sat in
11 on other interviews?

12 A I believe he did.

13 Q And I think I asked you this. You don't
14 have any recollection today of Mr. Nussbaum coming
15 into an interview in which you were present?

16 A Not that I recall.

17 Q Do you recall -- sometime in your mind's
18 eye remember something for no reason at all --
19 remember where you sat during the interviews in which
20 you were present?

21 A One of the offices in the west wing.

22 Q Did everyone sit around a table like this

90

1 or did you sit back near the door?

2 A I think maybe the person being interviewed
3 sat at a desk. The rest of us were in chairs.

4 Q And you don't have any recollection of
5 where you were in relation to that?

6 A In the back. I mean -- if, in fact, the
7 interview was a person sitting at their desk, I would
8 not have been in the forefront. I'd be in the back.

9 Q Let me ask you just a couple of details
10 about events subsequent. Have we now covered
11 everything that occurred on July 22nd relating to
12 Mr. Foster's death, to the best of your recollection
13 today?

14 A Yes.

15 Q Is there anything that occurred that I
16 haven't asked you about that you recall happening on
17 that day?

18 A Not that I recall.

19 Q Subsequent to July 22, 1993 -- "subsequent"
20 is just a lawyer's word for later -- what involvement
21 did you have in the events relating to Mr. Foster's
22 death and the investigation of that?

1 A Very little, if any.

2 Q Did you have any conversations with
3 Detective Hume or Captain Hume or Detective Markland
4 of the Park Police, to the best of your recollection?

5 A Not that I recall. It may have been with
6 Dennis Martin when they were coming back to the
7 complex.

8 MR. JOHNSON: Let me show you a series of
9 documents that we're having difficulty with. We'll
10 call this Deposition Exhibit Number 2, a document
11 bearing an illegible document production number which
12 appears to be a photocopy of four telephone message
13 slips.

14 (Deposition Exhibit 2 identified.)

15 BY MR. JOHNSON:

16 Q Specifically, let me refer you to the one
17 in the upper right-hand corner dated 7/28 and I'm
18 assuming 1993. It's actually a message to Mr. Flynn
19 from Mr. Hume or Mr. Markland. Do you recall that
20 you may have participated on or about that day in any
21 conversations with Mr. Hume or Mr. Markland?

22 A I don't recall.

1 MR. KRAVITZ: Can I interrupt for one
2 second? I think you misspoke. I think you said it
3 was a message to Mr. Flynn. Isn't it a message to --

4 MR. JOHNSON: I'm sorry. If I said it that
5 way, I said it backwards. It's a message to Captain
6 Hume or Detective Markland from Mr. Flynn.

7 BY MR. JOHNSON:

8 Q Same question -- it doesn't change my
9 question, however. That is, do you recall whether or
10 not you may have spoken with Captain Hume or
11 Detective Markland on or about the 28th of July on
12 any topic?

13 A I don't recall.

14 Q Let me show you another document which
15 bears an illegible production number -- we're
16 speculating it's number 113 -- but which also appears
17 to be a photocopy of four telephone message slips,
18 and I want to refer you specifically to the upper
19 left-hand corner. It appears to be a message to
20 someone named Markland from someone named Mark or
21 Cliff Sloan and it bears the names Paul and Don with
22 some telephone numbers. Mr. Imbordino, one

1 possibility is that Paul refers to you here. Are
2 either of those telephone numbers yours?

3 A Yes.

4 Q Which one?

5 A The 456-2443.

6 Q And this message slip is dated July 29th,
7 again, I assume, 1993. Did you ever have any
8 conversations with Detective Markland or Cliff Sloan
9 on or about that day?

10 A Not that I recall.

11 Q Do you have any understanding today of what
12 this telephone slip might be referring to?

13 A No, I don't.

14 Q You don't even have a wild guess?

15 A No.

16 Q Let me show you another document. This one
17 doesn't even have your name on it, and it's undated.
18 It appears to bear document production number 168,
19 although it's not very legible, and it's a
20 handwritten page which bears several names and
21 telephone numbers. One is Hamilton. One is Don
22 Flynn and a number of other names appear on this

1 page. Opposite Mr. Flynn there's the entry that says
2 "we'll try to see if we know what car was brought up
3 in the morning." Have you ever seen this document
4 before?

5 A No, I haven't.

6 Q Do you have any understanding or
7 recollection today about what that phrase "what car
8 was brought up in the morning" might be referring to?

9 A No, I do not.

10 Q It doesn't mean anything to you at all?

11 A No, it sure doesn't.

12 MR. KRAVITZ: Kip, can we at least make
13 clear for the record that these three documents, even
14 though we're not sure what numbers they are, are all
15 out of the Park Police-Interior Department
16 production? Vinny says he's pretty sure it's number
17 163, but the record should be clear they're out of
18 the Interior Department's production.

19 MR. JOHNSON: Fair enough. Mr. Imbordino,
20 give me just a second. In fact, is it okay to take a
21 four- or five-minute break? I may be finished.

22 (Recess.)

1 BY MR. JOHNSON:

2 Q Mr. Imbordino, I just have a couple of
3 loose ends here. One, Mr. Kravitz is kind enough to
4 remind me about. What's the procedure for burn
5 bags? The officers remove those from the suites; is
6 that correct?

7 A The officers either remove the bag
8 physically or remove the contents of the bag.

9 Q Are you saying they have discretion, you
10 don't know which they do?

11 A They may dump it into a big bag.

12 Q And then what happens to those materials?

13 A It's brought down to the burn room or the
14 room that they dispose of in the Old Executive Office
15 Building.

16 Q And obviously burned? Is that what they
17 do?

18 A I think it's shredded, I believe. I've
19 never seen a smokestack going, but --

20 Q The document is destroyed?

21 A Yes, sir.

22 Q And how often does that happen? For

1 example, the contents of a burn bag which are
2 removed, hypothetically, in the evening, do you know
3 when they're shredded or burned?

4 A I do not.

5 Q Where physically is the burn room?

6 A I believe it's in the basement of the Old
7 Executive Office Building.

8 Q When contents are removed for burning or
9 shredding from an office, are they labeled as to
10 their origin? For example, when an officer takes a
11 burn bag out, is there any way of knowing later in
12 time where that burn bag came from?

13 A Not that I'm aware of, but once again, I
14 don't recall viewing the procedure as to how
15 specifically they do it.

16 Q Let me just ask you a couple of general
17 questions. Have you heard, whether rumor or directly
18 or otherwise, that documents were removed -- that any
19 documents were removed from Mr. Foster's office
20 before the search that you attended on the afternoon
21 of July 22, 1993?

22 And let me state that again. My question

1 is, up to and including today, have you ever heard
2 that documents had been removed prior to that search?

3 A Not that I'm aware of.

4 Q You haven't read that in the newspaper?

5 A Not that I recall.

6 Q You haven't had any conversation with your
7 colleagues or anyone else on that general topic,
8 whether or not documents were removed?

9 A Not that I recall specifically, no.

10 Q Let me ask you the same question with
11 respect to after July -- the search that you attended
12 on July 22, 1993, up to and including the time here
13 today. Have you ever heard that documents were
14 removed from Mr. Foster's office after that time?

15 A I believe the article in the newspaper
16 referenced the note being ripped up or found or
17 whatever. I believe I read that in the newspaper.

18 Q Was that the only thing you recall?

19 A That's what I recall, yes.

20 Q Do you believe that you heard that that
21 note was found or ripped up somewhere other than in
22 Mr. Foster's office? Did you ever hear any rumors

1 that the note was not in his office, but somewhere
2 else?

3 A I don't recall the specifics of the
4 article.

5 Q Whatever you know, you know from newspaper
6 accounts?

7 A Yes.

8 Q When Mr. Foster's handwritten note, which
9 some refer to as a suicide note, was found, did you
10 play any role in the transmission of that note or the
11 safekeeping of that note or anything of that kind?

12 A No, I did not.

13 Q Did you ever have any discussions with
14 anyone about the circumstances under which that note
15 was found?

16 A No, I did not.

17 MR. JOHNSON: Mr. Imbordino, thank you very
18 much for your patience and time this morning. I'm
19 sure Mr. Kravitz has some questions, and at the end
20 of his questions I'll talk with you briefly again
21 about confidentiality.

22 EXAMINATION

1 BY MR. KRAVITZ:

2 Q Mr. Imbordino, my name is Neil Kravitz and
3 I'm counsel for the Democratic staff. I'm going to
4 ask you some follow-up questions in some of the areas
5 that Mr. Johnson asked you about, possibly a few
6 additional areas and I'll try not to repetitive, if I
7 can. Please bear with me.

8 I wanted to ask you first, can you describe
9 for us your working relationship with Mr. Flynn, and
10 if there are differences in your jobs, point those
11 out to us in terms of what your responsibilities are,
12 the chain of command, et cetera. And I'm focusing on
13 the July 1993 time period.

14 A Basically, our duties -- we shared an
15 office. We overlapped duties. When Don wasn't
16 there, I would do -- we would share the
17 responsibilities in the office.

18 Q Did you and Mr. Flynn report to the same
19 person?

20 A At that time we did not.

21 Q You reported to who?

22 A Mr. Dick Griffin, who was deputy assistant

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1 director for directive operations.

2 Q And Mr. Flynn reported to?

3 A The special agent in charge -- special
4 agent, protective division.

5 Q Are you familiar with a man named Craig
6 Livingstone?

7 A Yes, I am.

8 Q Did you know Mr. Livingstone back in July
9 of 1993?

10 A I knew of him, yes.

11 Q What was his position at that time?

12 A White House security personnel. I believe
13 it was White House personnel, security office.

14 Q What were Mr. Livingstone's duties and
15 responsibilities in July of 1993?

16 A I don't know specifically what his duties
17 were.

18 Q Do you have a general sense of what they
19 were?

20 A I believe he was involved in issues with
21 the staff getting passes, White House passes.

22 Q Do you know where Mr. Livingstone's office

1 was located in July of 1993?

2 A I think it was in the Old Executive Office
3 Building.

4 Q To your knowledge, did Mr. Livingstone have
5 an office in the west wing of the office?

6 A Not that I'm aware of.

7 Q Did you have any professional relationship
8 with Mr. Livingstone back in July of 1993? Did you
9 deal with him at all?

10 A Very little.

11 Q Did you deal with him some, however?

12 A I would see him in the complex, but I
13 didn't -- I had very little dealings with him on a
14 professional level.

15 Q Can you describe for us the few dealings
16 that you did have with Mr. Livingstone back in July
17 of 1993?

18 A Nothing comes to mind specifically.

19 Q Do you know if any other Secret Service
20 personnel did deal professionally with
21 Mr. Livingstone back in the summer of 1993?

22 A There were other entities within the

1 Secret Service, yes.

2 Q Can you tell us about that?

3 A I believe Dennis Martin had dealings with
4 him.

5 Q What's your understanding of the dealings
6 that Dennis Martin had with Mr. Livingstone?

7 A Had to do with events taking place at the
8 White House.

9 Q Mr. Martin's position is what?

10 A Dennis Martin was the inspector in charge
11 of the uniformed division. He was in the chain of
12 command at the White House. He was the number two
13 person for the uniform division.

14 Q What did Mr. Martin and Mr. Livingstone
15 have to do with each other related to White House
16 events?

17 A Specifically I don't know what they
18 conversed about.

19 Q You assume it had to do with security for
20 the White House events?

21 A Back in July of 1993 -- and once again, the
22 administration was months old -- Mr. Livingstone's

1 responsibility or duties, as you say, I don't think
2 were very clear as to specifically what his duties
3 were.

4 Q You've used the term "passholder" a couple
5 times during this deposition. What exactly does that
6 mean, at least as you use that term?

7 A When I say "passholder," I mean staff,
8 White House staff person that has a White House pass.

9 Q To your knowledge, did Mr. Livingstone have
10 a White House pass back in July of 1993?

11 A I believe he did, yes.

12 Q He was a passholder?

13 A I believe so.

14 Q And what exactly does having a White House
15 pass entitle a staff member to do?

16 A It entitles you to enter and exit the
17 complex at your will.

18 Q So a staffholder like Mr. Livingstone --

19 MR. JOHNSON: You said staffholder. You
20 mean passholder.

21 MR. KRAVITZ: I'm sorry.

22 BY MR. KRAVITZ:

1 Q A passholder like Mr. Livingstone would
2 have had free access to go into the west wing and go
3 up to the second floor, for example?

4 A Correct.

5 Q That would have been true in July of 1993?

6 A I believe so, yes.

7 Q Do you know who Mr. Livingstone reported to
8 back in July of 1993?

9 A I do not.

10 Q Have you ever spoken with Craig Livingstone
11 about his activities on the night of July 20, 1993?

12 A No, I have not.

13 Q Do you know a Secret Service uniformed
14 division officer named Bruce Abbott?

15 A Yes, I do.

16 Q To your knowledge, what was Mr. Abbott's
17 position with the Secret Service as of July 1993?

18 A He was a uniformed division officer.

19 Q Do you know where he was assigned?

20 A I believe he was assigned to the west wing.

21 Q Have you ever spoken with Officer Abbott
22 about any observations or any activities of his on

1 July 20, 1993?

2 A No, I have not.

3 Q Has Mr. Abbott ever told you that he saw
4 Craig Livingstone on the night of July 20, 1993 in
5 the White House?

6 A No, he has not.

7 Q I want to ask you a couple more questions
8 about the cleaning crews. To your knowledge, are
9 there procedures or rules that require a Secret
10 Service officer always to be present when the
11 cleaning crew goes into a White House office?

12 A I can't say specifically what their
13 guidelines are.

14 Q Do you know whether there are written
15 guidelines?

16 A I can't say specifically if there are or
17 not.

18 Q Do you have any understanding as to what
19 the uniformed division officer is supposed to do
20 while the cleaning crew is actually inside a staff
21 office?

22 A Generally, I would think that he or she

1 would be there to make sure that the cleaning people
2 do their job and nothing more.

3 Q Is it your understanding that the uniformed
4 division officer, then, is required to be present in
5 the staff office the entire time that the cleaning
6 crew is in the office?

7 A I do not know what their guidelines are.

8 Q Do you know whether the uniformed division
9 keeps records or logs of which offices the cleaning
10 crew has been in?

11 A I do not know if they do or not.

12 Q I want to go back for a moment just to the
13 night of July 20th, 1993. At any time that night,
14 did you learn that any Park Police officials had made
15 a request that they be permitted to search
16 Mr. Foster's office?

17 A No, I did not.

18 Q At any time on July 21, 1993, the next day,
19 did you learn that Park Police officials -- any Park
20 Police officials had made a request that they be
21 permitted to search Mr. Foster's office?

22 A Specifically, I was not aware of what their

1 requests were.

2 Q Had an official of the Park Police made a
3 request on either the 20th or the 21st of July 1993
4 to be permitted to search Mr. Foster's office, do you
5 think that you would have been made aware of that
6 request?

7 A Let's talk day. If it was the evening of
8 July 20th, I probably would have been told if it was
9 an after-hours issue.

10 Q You think you would have been told that
11 night?

12 A Yes.

13 Q Someone would have called you at home and
14 told you?

15 A Possibly. During the day on the 22nd, I
16 was not part -- as I had stated, I was not part of
17 those meetings that were taking place, so I wouldn't
18 have known.

19 Q I think you just said the 22nd, but do you
20 mean the 21st?

21 A I'm sorry, the 21st, yes.

22 Q Now, I think you testified to this earlier,

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1 but let me, just to be clear, when you were called
2 by -- who called you on July 20th at home?

3 A Dennis Martin.

4 Q When you were called by Dennis Martin, you
5 were specifically told that the death was believed to
6 be a suicide; correct?

7 A Correct.

8 Q And is it fair to say that throughout the
9 two days that followed your receipt of that telephone
10 call, in other words, July 20th, July 21st, July
11 22nd, it was your operating assumption that the death
12 was a suicide?

13 A That is correct.

14 Q You didn't hear anything during that time
15 period that caused you to question or change that
16 assumption?

17 A That is correct.

18 Q And as far as you know, everyone involved
19 in the search of Mr. Foster's office on July 22nd,
20 1993 was operating under the same assumption, that is
21 that the death was a suicide; correct?

22 A That is correct.

1 Q I want to ask you just a couple more
2 questions about the staff interviews that you sat in
3 on the morning of July 22, 1993, and I think the
4 record is clear that you sat in on one or two of
5 these interviews. You're not exactly sure which
6 witnesses were interviewed, and you're not exactly
7 sure which White House attorneys were present; is
8 that right?

9 A That's correct. It's been almost two years
10 now.

11 Q Actually, the question I want to ask is
12 this: In any of the staff witness interviews you sat
13 in on the morning of July 22, 1993, did the White
14 House attorney present interfere in any way in the
15 conduct of the interviews?

16 A Not that I recall.

17 Q The White House attorneys never objected to
18 any of the questions being asked by the FBI or the
19 Park Police?

20 A Not that I recall.

21 Q As far as you recall, the White House
22 attorneys never instructed the White House staff

1 members who were being interviewed not to answer a
2 question?

3 A That's correct.

4 Q As far as you could tell, the White House
5 attorneys were simply sitting there observing?

6 A Yes.

7 Q I want to direct your attention back to the
8 actual search of the office on July 22, 1993.
9 Mr. Johnson asked you some questions about whether
10 you saw a trash can or remember seeing a trash can
11 inside Mr. Foster's office at the time of the
12 search. Do you remember those questions?

13 A Yes.

14 Q And I believe you testified that you didn't
15 recall -- at least today you don't recall having seen
16 where a trash can was located?

17 A Correct.

18 Q Did you have any reason as of the afternoon
19 of July 22, 1993 to be looking for a trash can in
20 Mr. Foster's office?

21 A Not at all.

22 Q Did you have any reason as of July 22, 1993

1 to try to remember where a trash can was located
2 inside Mr. Foster's office?

3 A Not at all.

4 Q Or to try to remember how far from the door
5 to the office a trash can was located?

6 A No, I did not.

7 Q You didn't know as of time of the search on
8 July 22, 1993 that Mr. Sloan had entered the office
9 to replace or to return a bag of trash?

10 A No, I did not.

11 Q You also testified briefly or a little bit
12 about what Mr. Johnson termed a reprimand that one of
13 the White House lawyers gave to one of the
14 investigating officers during the search. Do you
15 remember that testimony?

16 A Yes, I do.

17 Q Can you just go back and tell us what it is
18 you remember about that incident. What exactly
19 happened when the investigating officer stood up and
20 had something said to him?

21 A I remember the FBI agent standing. He was
22 tall, lanky, and he was just standing.

1 Q Do you remember which FBI agent it was?

2 A The tall, lanky -- I think that was Salter,
3 I believe is his name, and he stood for a period of
4 time and then it was -- I believe it was Cliff Sloan
5 who stated words to the effect of what are you doing
6 standing up or what are you looking at or words to
7 that effect.

8 Q What was Mr. Sloan's tone of voice when he
9 made that statement to the FBI agent?

10 A Normal.

11 Q Did Mr. Sloan appear to be angry?

12 A I didn't perceive it that way.

13 Q Did you perceive Mr. Sloan as being
14 threatening to the FBI agent?

15 A No.

16 Q Did you perceive Mr. Sloan as being hostile
17 to the FBI agent?

18 A No.

19 Q It's been described to us by another person
20 who was at the search as an offhand remark by
21 Mr. Sloan. Would you agree with that
22 characterization?

1 A Obviously, as we're talking, it is a matter
2 of one's interpretation of humor or offhandedness. I
3 took it as an offhanded remark. I think that would
4 be accurate.

5 Q You weren't offended by what Mr. Sloan said
6 to the FBI agent?

7 A No, I wasn't.

8 MR. KRAVITZ: That's all I have. Thanks.

9 MR. JOHNSON: Mr. Imbordino, thank you very
10 much for your patience and your time here today. Let
11 me repeat something at the end that I said at the
12 beginning, and that is how important to all of us in
13 this room the confidentiality of these proceedings
14 is. So we'd be grateful if you'd honor our request
15 that you not discuss your deposition here today with
16 anyone at all.

17 THE WITNESS: Okay.

18 (Whereupon, at 12:00 p.m., the deposition
19 was concluded.)

20

21

22

PAUL B. IMBORDINO

CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

1/20/93	08:03	561	WH 2ND FL RM.208	CASTLE	SECURE ALARM
	08:03	561	WH 2ND FL RM.208	CONTROL CENTER 1	ACCESS SET
	20:04	561	WH 2ND FL RM.208	CASTLETON	ACCESS ALARM
	20:04	561	WH 2ND FL RM.208	CASTLETON	SECURE ALARM
	21:14	561	WH 2ND FL RM.208	CONTROL CENTER 1	SECURE RESET
	22:42	561	WH 2ND FL RM.208	O'NEILL	SECURE ALARM
	22:42	561	WH 2ND FL RM.208	CONTROL CENTER 1	ACCESS SET
	22:41	561	WH 2ND FL RM.208	O'NEILL	ACCESS ALARM
	23:41	561	WH 2ND FL RM.208	O'NEILL	SECURE ALARM
	23:42	561	WH 2ND FL RM.208	CONTROL CENTER 1	SECURE RESET
1/21/93	07:01	561	WH 2ND FL RM.208	FOHN	SECURE ALARM
	07:01	561	WH 2ND FL RM.208	CONTROL CENTER 1	ACCESS SET
	11:20	561	WH 2ND FL RM.208	CONTROL CENTER TEST	SECURE ALARM
	11:20	561	WH 2ND FL RM.208	CONTROL CENTER	ACCESS RESET
	11:20	561	WH 2ND FL RM.208	CONTROL CENTER TEST	ACCESS ALARM
	20:17	561	WH 2ND FL RM.208	CONTROL CENTER 1	TAMPER ALARM

1/22-26/93 NO ALARM ACTIVITY

2 000558

MEMORANDUM
OF CALLTO: Capt. Hume☒ YOU WERE CALLED BY Brian ☐ YOU WERE VISITED BYOF (Organization) A-T-F☐ PLEASE PHONE ☐ FTS ☐ AUTOVON☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

Will be having
Your info in a
few minutes

RECEIVED BY T.S. DATE 7/29/78 TIME 142063-110 NSN 7540-00-34-4018 STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
U.S. G.P.O. 1981 281-711/00011 FPMR (41 CFR) 101-11.6MEMORANDUM
OF CALLTO: Capt. Hume / Det. P. Mathis☐ YOU WERE CALLED BY ☐ YOU WERE VISITED BYOF (Organization) Secret Service☐ PLEASE PHONE ☐ FTS ☐ AUTOVON(202) 456-2443☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

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cwt

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Prescribed by GSA
U.S. G.P.O. 1981 281-711/00011 FPMR (41 CFR) 101-11.6MEMORANDUM
OF CALLTO: Capt. Hume☒ YOU WERE CALLED BY ☐ YOU WERE VISITED BYOF (Organization) David Marcks☒ PLEASE PHONE ☐ FTS ☐ AUTOVON554-4945☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

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Prescribed by GSA
U.S. G.P.O. 1981 281-711/00011 FPMR (41 CFR) 101-11.6MEMORANDUM
OF CALLTO: Capt. Hume☒ YOU WERE CALLED BY ☐ YOU WERE VISITED BYOF (Organization) Scott SalterFBI☒ PLEASE PHONE ☐ FTS ☐ AUTOVON(202) 252-7137☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

Ref: Mr. Foster

cwt

RECEIVED BY Chas. C. Check DATE 7/28/78 TIME 151563-110 NSN 7540-00-34-4018 STANDARD FORM 63 (Rev. 8-81)
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U.S. G.P.O. 1981 281-711/00011 FPMR (41 CFR) 101-11.6

**DEPOSITION OF DENNIS S. MARTIN
IN RE: S. RES. 120**

THURSDAY, JUNE 22, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of DENNIS S. MARTIN, called for examination pursuant to notice of deposition, at 1:35 p.m. in Room 534 of the Dirksen Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
LANCE COLE, Esq.
Minority Deputy Special Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

TIMOTHY M. FOLEY, Esq.
BILL CLANCY, Esq.
U.S. Secret Service
Office of Chief Counsel
1800 G Street, NW
Room 842
Washington, DC 20223
On behalf of the Deponent.

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EXHIBITS

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Deposition Exhibit 2	108, 631
Deposition Exhibit 3	114, 632

PROCEEDINGS

Whereupon,

DENNIS S. MARTIN

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. JOHNSON:

Q Good afternoon, Mr. Martin. We've spoken briefly off the record and I had a chance to introduce myself. Let me do that again for the record. My name is Everett Johnson and I'm one of the attorneys working for the Majority staff on the Senate Special Committee investigating Whitewater and related matters.

What brings us here today is Senate Resolution Number 120, which authorizes the Committee and directs the staff to conduct an investigation into certain areas of inquiry. In particular today, we're focusing on the handling of documents and the investigation surrounding Mr. Vincent Foster's death on July 20, 1993. The questions that we ask you today will be related to that topic.

4

Let me ask you, just as a background matter, whether or not you've previously had your deposition taken, and I don't mean necessarily on this topic, but just generally?

A Yes, I have.

Q I suspect you're familiar with the procedures, but let me spend a couple of moments on a couple of rudimentary points. I first, and later Mr. Cole, will ask you a series of questions and Ms. Baker, our shorthand reporter, will make a verbatim transcription of the questions that we ask and the answers that you give. It makes her job easier if you'll allow us to finish the question before you offer an answer and it also makes her job easier if you respond verbally to the questions rather than with gestures or nods because she can't record those.

I will try very much to make my questions clear and understandable. I will sometimes fail at that, and I'll trust you to a certain extent to tell me if you don't understand the question. I assure you there's nothing in my -- of our questions that's

1 designed to be deceitful or to trick you in any way.
2 So if you don't understand something, feel free to
3 say so. If you need to consult with your attorneys
4 who are present at any time during the deposition,
5 feel free to do that. And if you want to take a
6 break at any time, feel free to say so and we'll take
7 a break.

8 Any questions about the procedures so far?

9 A No, sir.

10 Q Let me ask you, first of all, whether or
11 not in preparing to testify here today, you met and
12 discussed your testimony with anyone?

13 A Yes. As a group, we had a brief meeting, I
14 guess about a week ago with the Secret Service legal
15 counsel.

16 Q Do you remember who was present during that
17 meeting?

18 A Some of the members present were -- Tim
19 Foley was present; Bob McNamara from the U.S.
20 Treasury legal; Paul Imbordino, special agent
21 White House division; Michelle Macon, who is a
22 sergeant with the uniformed division; Joe Phillips,

1 an officer with the tours section; Officer Chinery
2 from the White House branch.

3 Q Anybody else that you can think of?

4 A There was an individual from TSD. I can't
5 recall his name.

6 (Discussion off the record.)

7 BY MR. JOHNSON:

8 Q Your counsel has been kind enough to inform
9 me off the record, was it Mr. Cheatham that was
10 present?

11 A Yes, sir.

12 Q No one else, to the best of your knowledge?

13 A None that I can recall.

14 Q Other than that meeting with the
15 Secret Service attorneys and the Treasury Department,
16 have you discussed this deposition or your testimony
17 with anyone else?

18 A Not the testimony, but the incident itself
19 within the last two years I would have to say yes.

20 Q And by "the incident itself," what are you
21 referring to?

22 A Some of the chain of events with

1 individuals that were involved.

2 Q You've discussed the chain of events with
3 some of the individuals who were involved. Did I say
4 that right?

5 A Yes, sir.

6 Q I realize this is not a memory test, but
7 tell me the ones you recall that you have discussed
8 this with, the names of the individuals with whom
9 you've discussed the chain of events.

10 A Can I clarify what I meant by "chain of
11 events"?

12 Q Sure, you bet.

13 A There might be maybe some times, some
14 locations, but it's not exactly what everybody would
15 have played. It may be just like memory, hey, do you
16 remember what time I came in that day, something like
17 that.

18 Q Sure.

19 A I remember talking to Bruce Abbott and Paul
20 Imbordino.

21 Q Can you think of anybody else?

22 A Maybe some questions by my supervisors as

1 to where I would be going for discussion with another
2 agency, where I would be going today, and that would
3 be my immediate supervisor.

4 Q Who is your immediate supervisor?

5 A Assistant Chief Richard Friedman.

6 Q Let me ask you about any discussions you
7 may have had with Mr. Abbott surrounding the chain of
8 events. What do you recall about your discussions
9 with Mr. Abbott, if anything?

10 A I recall him being concerned, and this is
11 probably early on, as to the actual incident where he
12 was on post. I guess he saw some articles in the
13 newspaper, and he was -- just about every time an
14 article would come up, say, in The Washington Post,
15 he would be concerned that his name would possibly be
16 mentioned, and he would give me a call to just talk
17 about -- let's say the article itself, did you see
18 the article in today's paper.

19 Q Do you recall what any of those articles
20 said?

21 A Yeah, I remember one particular one
22 where -- there was one that had something to do with

1 removing materials from the west wing and a
2 nonidentified Secret Service officer observing that
3 being done, and there was an interview with the U.S.
4 Park Police investigators.

5 Q What do you mean, there was an interview
6 with Park Police --

7 A By the reporters of The Washington Post.

8 Q Did that article mention Mr. Abbott's name?

9 A No, sir.

10 Q Why would you have discussed that article
11 with Mr. Abbott, if you did?

12 A Well, Mr. Abbott -- I'm not sure if he
13 contacted me on that particular one. I mean, we
14 discussed -- like over a two-year period, maybe three
15 or four times we've called on different articles or
16 he might call me to start it off, or he'd start
17 calling me all the time and his concern was keeping
18 his name out of the newspaper, out of any official
19 reports. He was concerned with that, but on that
20 particular article I know and he knows that he's the
21 unidentified officer.

22 Q Mr. Abbott is the officer referred to as

10

1 the person who observed documents being removed
2 presumably from Mr. Foster's office; is that correct?

3 A Yes.

4 Q Putting aside for the moment the reports in
5 the newspaper articles, have you discussed with
6 Mr. Abbott whether or not, in fact, he did observe
7 documents being removed from Mr. Foster's office?

8 A I think initially during the -- after the
9 incident within the few days or maybe even a few
10 weeks while I was still assigned to that branch, we
11 might have had some discussions, on specifics.

12 Q What do you recall about those discussions?

13 A Basically, a generic synopsis of what went
14 on on that day, where he was on post, and he observed
15 an individual leaving the west wing early in the
16 morning.

17 Q What morning would that be?

18 A The morning after Mr. Foster's death.

19 Q So Mr. Abbott told you he saw an individual
20 leaving the west wing early in the morning of July
21 21, 1993; is that right? I'll represent to you that
22 that's the day after Mr. Foster's death.

1 A All right. Yes.

2 Q Did he say who that individual was that he
3 observed?

4 A Yes, he did.

5 Q Who was that?

6 A That was Mr. Craig Livingstone.

7 Q Where was Mr. Abbott posted that morning?

8 A Rather than use the post designation that
9 we use within the Secret Service, I'd just like to
10 keep it general saying that it's a uniformed division
11 post by the situation room in the west basement.

12 MR. FOLEY: Off the record.

13 (Discussion off the record.)

14 BY MR. JOHNSON:

15 Q Mr. Abbott was posted that morning in what
16 we have referred to in our investigation as the west
17 basement entrance; is that correct?

18 A Yes, sir.

19 Q Did Mr. Abbott say what time of day he saw
20 Mr. Livingstone on that morning?

21 A I can't recall a specific time.

22 Q Who is Mr. Livingstone?

1 A Mr. Livingstone is a White House staffer
2 that came in during President Clinton's
3 administration.

4 Q Do you know his title?

5 A His title is White House security. That's
6 the title that's on his door as you go in.

7 Q And to the best of your recollection now,
8 remembering back to your conversations with
9 Mr. Abbott close in time to Mr. Foster's death, what
10 specifically did he say that he saw?

11 A I remember Bruce Abbott motioned me over to
12 his desk -- I was maybe 10 feet away from his desk --
13 and as I approached his desk, he was standing up from
14 behind the desk, and in kind of a hushed voice he
15 stated that he had seen Craig Livingstone earlier in
16 the morning coming down from the second floor with
17 some boxes in hand.

18 Q Your memory is clear that he said boxes,
19 meaning more than one box?

20 A I remember the term "boxes" being used.

21 Q Do you recall whether Mr. Abbott said
22 anything further?

1 A All I remember is that he stated that
2 Mr. Livingstone came down from the second floor, went
3 by his post, went out the doors that lead to West
4 Executive Avenue in the direction of the Old
5 Executive Office Building.

6 Q Did Mr. Abbott state what time of morning
7 this occurred?

8 A I can't recall that.

9 Q Do you know what time Mr. Abbott would have
10 assumed his post in the west basement on that
11 morning?

12 A Yes, sir.

13 Q What time was that?

14 A Anywhere between 06:00 or 06:30 in the
15 morning.

16 Q So it's fair, for purposes of placing time,
17 to assume if Mr. Abbott observed this, he observed it
18 sometime after 6:00 in the morning?

19 A Yes, sir.

20 Q And you described that Mr. Abbott summoned
21 you over and informed you of this. Was that also on
22 the morning of July 21st that he first informed you

1 of this?

2 A Yes.

3 Q So he was referencing an event that had
4 recently occurred?

5 A Yes.

6 Q Do you have any recollection of what time
7 in that morning he told you that he had seen this?

8 A I can't recall.

9 Q Do you recall generally whether it was
10 before or after lunch?

11 A It was definitely before 10:00 in the
12 morning.

13 Q You're confident that it was before 10:00?

14 A Yes.

15 Q What time do you personally come to work?

16 A When I was in that current position -- when
17 I was assigned to the White House, I would come in
18 early, usually, one, to beat rush hour but to get
19 some admin stuff out of the way. At times, usually
20 between 7:00 and 7:30 in the morning.

21 Q Is it fair to assume that Mr. Abbott told
22 you that sometime after 7:00 or 7:30 in the morning

1 but sometime before 10:00 in the morning?

2 A Yes.

3 Q In his account of the events to you, did
4 Mr. Abbott say whether or not he saw Mr. Livingstone
5 on more than one occasion that morning?

6 A I don't recall that.

7 Q You don't know, therefore, whether he saw
8 him coming and going a number of times or whether he
9 just saw him one time?

10 A That is correct.

11 Q Do you have an impression one way or
12 another based on your conversations with Mr. Abbott?

13 A I have an impression, but it's not based on
14 my conversations with Mr. Abbott. It's based on my
15 own observation.

16 Q Why don't you tell us what that impression
17 is.

18 A That it's not unusual to see
19 Mr. Livingstone go to and from the west wing, and on
20 that particular morning I, sir, saw him myself three
21 or four times.

22 Q Carrying boxes?

1 A No, sir.

2 Q Physically present?

3 A Physically present.

4 Q It's not unusual to see Mr. Livingstone in
5 the west wing, based on your experience?

6 A No.

7 Q Let me come back to your own experience in
8 a moment, but I want to go back to the July 21st
9 conversation you had with Mr. Abbott. Did Mr. Abbott
10 say that the boxes that he saw Mr. Livingstone carry
11 had come from Mr. Foster's office or the White House
12 counsel's suite?

13 A No, he did not.

14 Q Did he say that he suspected that?

15 A No, he didn't.

16 Q What was Mr. Abbott's reason, either
17 stated -- did Mr. Abbott state why he was telling you
18 this?

19 A No, he didn't state it. It's just
20 intuition between anybody in the police field or law
21 enforcement to keep supervisors advised of what's
22 going on in their areas of responsibility.

1 Q Mr. Abbott thought he had seen something
2 suspicious. Is that a fair statement?

3 A Possibly.

4 Q He doesn't tell you who walks by his guard
5 post all the time?

6 A No, he doesn't.

7 Q So there was something remarkable to him
8 about this event?

9 A Yes.

10 Q Do you have any personal understanding of
11 what it was that was remarkable to him about this
12 event?

13 A Again, I'd have to speak for myself and not
14 Bruce Abbott. The amount of time I have working for
15 Secret Service and the amount of time that Bruce
16 Abbott has, I mean, certain things unsaid, they might
17 mean -- something might be a little bit unusual
18 here. My impression was the reason that Bruce told
19 me was because he had seen him there earlier in the
20 morning coming down either the steps or the
21 elevator -- I can't recall -- carrying something and
22 we should know about it. The investigator should

1 know about it.

2 Q Was it your impression that Mr. Abbott
3 thought there was something unusual about what he had
4 observed?

5 A Yes.

6 Q And let me see if I can pin down a little
7 bit about what at least your impression was about
8 what was unusual. Was it unusual to see
9 Mr. Livingstone there that early in the morning? Is
10 it part of your impression?

11 A No.

12 Q Was it unusual to see Mr. Livingstone
13 carrying a box or boxes? Is that what he thought was
14 unusual?

15 A No.

16 Q Maybe I'm not going at this right. What is
17 the unusual?

18 A The unusual is the time of day and the
19 boxes, putting them both together.

20 Q The combination of both things?

21 A Yes.

22 Q Was it unusual to see Mr. Livingstone there

1 that early in the morning carrying boxes around?

2 A Yes.

3 Q Did Mr. Abbott say that he had any reason
4 to believe that those boxes were from Mr. Foster's
5 office or from the White House counsel's suite?

6 A He never specifically stated that they were
7 from Mr. Foster's office.

8 Q Was that implicit in what he was telling
9 you?

10 A Yes. He was in that area.

11 Q How does Mr. Abbott know -- Mr. Abbott's
12 post is on the basement floor; is that correct?

13 A Yes, sir.

14 Q And Mr. Livingstone -- strike that.
15 And Mr. Foster's office is on what is
16 referred to as the second floor?

17 A Yes.

18 Q Did Mr. Abbott tell you why he believed
19 that Mr. Livingstone had been in that area? By that,
20 I mean the area of Mr. Foster's office.

21 A No.

22 Q Did you ask him?

1 A No, I didn't.

2 Q What else did Mr. Abbott tell you, if
3 anything?

4 A That there was another individual with
5 Mr. Livingstone.

6 Q And who was that?

7 A He couldn't give me the name. He didn't
8 identify him.

9 Q He simply said Mr. Livingstone and not
10 someone else?

11 A Yes. All he said was it was a male.

12 Q Did he give you a description of any kind?

13 A No, just the fact that he was a male.

14 Q And as you sit here today, is that all you
15 know, based upon everything you've learned from any
16 source, that it was a male? You haven't come to
17 learn the identity of that other person, for example?

18 A No.

19 Q You don't know who it was today?

20 A No, I don't.

21 Q Have you formed a belief yourself about who
22 it was or may have been?

1 A I haven't narrowed it down. There's a
2 number of people that worked in Craig Livingstone's
3 office at that time. Some of them were volunteers.
4 So it could have been a number of people that worked
5 in there.

6 Q What names come to your mind? I realize
7 how you're arriving at this, but just the
8 possibilities.

9 A One individual, first name Tony.

10 Q Tony somebody?

11 A Yeah.

12 Q Anybody else?

13 A Another individual, I don't even have his
14 name. Just my own description. Hispanic male, early
15 20s.

16 Q Who also works in Mr. Livingstone's office?

17 A At the time he was a volunteer, yeah.

18 Q I don't mean to cut you short if you have
19 other names that you'd like to --

20 A Those are the only two.

21 Q What else, if anything, did Mr. Abbott tell
22 you on the morning of the 21st?

22

1 A That's about the extent of it.

2 Q How long would you imagine you had this
3 conversation -- with Mr. Abbott, that is?

4 A Probably less than five minutes.

5 Q Were you yourself suspicious based on what
6 he had told you at that time?

7 A At that time? No, not really.

8 Q At any time after that time, did you get
9 suspicious? By "suspicious," I mean in the law
10 enforcement sense, feeling that this was something
11 that ought to be investigated?

12 A As time went on, yes.

13 Q What changed your feeling about it as time
14 we went on?

15 A Just basically what I would read in the
16 newspaper.

17 Q Can you shed a little light on your
18 thinking there? What is it you recall that you read
19 that made you more suspicious than you were
20 originally?

21 A Just the way that the premises -- the way
22 the FBI and the Park Police were able to go into

1 Mr. Foster's office and search for documents. It
2 seemed like it wasn't in a timely fashion.

3 Q Let me see if I can parse through this a
4 little bit. In other words -- my words are not very
5 important here so if I say this wrong, please correct
6 me. But I think what I hear you telling me is you
7 later learned that the FBI and Park Police were not
8 granted immediate access to Mr. Foster's office; is
9 that correct?

10 A I learned that right away, sir.

11 Q How did you learn that?

12 A I was there to facilitate those two
13 agencies getting into the complex, so I escorted
14 them, and it got to a point where they weren't
15 permitted to go any further.

16 Q It won't surprise you that I want to come
17 back and hear all about that, but before we do that,
18 let me see in this sort of information gathering
19 mode -- so that's one fact that made you more
20 suspicious. I take it it made you more suspicious on
21 that same day?

22 A Probably within 48 hours after that

1 incident, yes.

2 Q Are there any other facts or pieces of
3 information that made you more suspicious?

4 A No, that was about the extent.

5 Q Mr. Livingstone, I take it, has free rein,
6 can walk anywhere he wants to in the White House
7 complex; is that correct?

8 A With the exception of the second and third
9 floor, the residence.

10 Q Where no one just walks up there?

11 A Yes -- well, I wouldn't say no one. Only
12 certain guests and Secret Service personnel would be
13 let access to that.

14 Q Confine my question to the west wing. I
15 take it Mr. Livingstone can go anywhere in he wants
16 in the west wing?

17 A Yes, he had the proper credentials.

18 Q Would that be true of the other
19 individuals, Tony and the other Hispanic individual?
20 If they were accompanied by Mr. Livingstone, could
21 they also go anywhere in the west wing?

22 A I can't recall what type of credentials

1 they had. If they had a White House pass, they would
2 be able to.

3 Q What about if they didn't have a
4 White House pass, but were accompanied by someone who
5 did have a White House pass?

6 A They'd be allowed access.

7 Q So there wouldn't have been any reason for
8 Mr. Abbott or anybody else to stop Mr. Livingstone or
9 those two gentlemen as they walked by him?

10 A No, sir.

11 Q Did Mr. Abbott say whether or not he spoke
12 to Mr. Livingstone or anybody who was with
13 Mr. Livingstone on that morning?

14 A I don't recall him saying that he spoke to
15 him.

16 Q I just want to come back -- do you have any
17 reason to believe that you're the first person
18 Mr. Abbott reported this to?

19 A I believe I'm the first person, yes, that
20 he reported to that day, yes.

21 Q Do you know whether or not he reported this
22 observation to anyone else other than you?

1 MR. FOLEY: You might want to phrase that
2 in terms of other than him and not any other
3 investigation.

4 BY MR. JOHNSON:

5 Q Exclude from your answer any testimony
6 Mr. Abbott may have given in other investigations or
7 in interviews with investigative officers. I mean in
8 the ordinary course of his duty, did he report this
9 to, to the best of your knowledge, anyone on or about
10 you?

11 A If I can clarify the way he approached me,
12 it would make it easier to understand. I had two FBI
13 agents to my right and one U.S. Park Police officer
14 to my left, so I know at least the officer to my left
15 overheard the discussion. It was basically face to
16 face, 2 feet away from Bruce Abbott and the Park
17 Policeman was standing to my left. I'm sure that
18 everybody heard.

19 Q Who were the Park Police officers who were
20 with you?

21 A I remember there was one captain.

22 Q Was it Captain Hume?

- 1 A Captain Hume and Pete Markland -- I think
2 he's a sergeant now. At the time he was an officer.
3 Q Who was the FBI agent who was present?
4 A I don't recall their names.
5 Q Do you recall whether or not it was agent
6 Salter?
7 A The name sounds familiar.
8 Q It could have been?
9 A Yes.
10 Q Or could it have been Agent Condon?
11 A I don't recall that name.
12 Q So if you had to guess, would you guess it
13 was agent Salter?
14 A I recall Salter. I recall the name.
15 Q And which of the police officers are you
16 confident overheard that conversation?
17 A Pete Markland.
18 Q Did Mr. Markland, in fact, acknowledge to
19 you that he overheard the conversation?
20 A Again, we didn't stand there and discuss it
21 because the atmosphere wasn't appropriate to do so.
22 It was an entrance posted at the west basement. As

- 1 much as I can recall in the conversation, he asked
2 who's Craig Livingstone.
3 Q Indicating to you that he had overheard the
4 conversation?
5 A Yes.
6 Q And did you tell him who Craig Livingstone
7 was?
8 A Yes.
9 Q Did he ask any further questions?
10 A No.
11 Q Did you have any subsequent conversation
12 with Detective Markland or anyone else in the Park
13 Police or FBI about what Mr. Abbott reported to you?
14 In other words, did the topic come up again other
15 than that one time?
16 A No, it didn't.
17 Q I take it you're able to place in time,
18 roughly, your conversation with Mr. Abbott because --
19 in part because you were accompanied by the Park
20 Police and FBI at that time; is that correct?
21 A Are you talking about before 10:00?
22 Q Yes, sir.

1 A Yes, because of the way I facilitated
2 getting them in, meeting them at the gate. I kind of
3 have a rough estimate of time, that I went down there
4 and escorted them up.

5 Q You personally met them?

6 A Yes.

7 Q Would they sign in? Would there be a
8 record somewhere of what time they arrived that
9 morning?

10 A Not for them. We made an exception.

11 Q Mr. Martin, what, if anything, did you do
12 further to investigate what Mr. Abbott had reported
13 to you?

14 A Nothing.

15 Q Did you report it to anyone else?

16 A I might have -- I might have had a
17 discussion with Special Agent Paul Imbordino about
18 it.

19 Q Let me ask it this way: Why did you not
20 personally investigate it further?

21 A Because basically it wasn't our
22 investigation. It was the investigation of the FBI

30

1 and the U.S. Park Police.

2 Q And was it your understanding that if
3 anyone would investigate this, it would be the Park
4 Police or the FBI?

5 A Yes.

6 Q And you also were aware, I take it, that
7 the Park Police were aware of Mr. Abbott's
8 observations because you had discussed those with
9 them; is that right?

10 A Because Pete Markland was standing to my
11 left when Bruce Abbott approached me, and I was sure
12 that he had heard that.

13 Q And I guess I'm not phrasing this very
14 well, but the point I'm trying to make is, knowing
15 that Mr. Markland had heard it, you didn't feel the
16 need to report it any further than that. Is that
17 fair?

18 A Yes.

19 Q Did you ever -- do you know Craig
20 Livingstone?

21 A Yes, sir, I do.

22 Q Do you know him personally?

1 A Just from the -- I don't hang around with
2 him after work, but at the time when I worked at the
3 White House, we had almost a daily contact at times.

4 Q Did you ever discuss this incident with
5 Mr. Livingstone?

6 A No.

7 Q Never raised it with him?

8 A Never raised the incident with him, but I
9 did receive a phone call after I was transferred out
10 of the White House at my personal residence by him.
11 He tried to get through.

12 Q Did you speak with him?

13 A Yes, I did.

14 Q Tell me what you recall about that
15 conversation.

16 A I transferred out of the White House in
17 February of 1994 and my new position -- I was a few
18 blocks away from the office, working out of
19 headquarters. It was a Sunday evening at my
20 residence in Maryland. I received a call from the
21 White House control center that Mr. Livingstone was
22 trying to reach me. So I advised the control

1 center -- they were asking permission, basically, to
2 give my number out to him. I said go ahead and give
3 him my number because I figured maybe there's
4 something going on down at the White House and they
5 need help with it. He gave me a call, and he
6 basically wanted to talk about an officer that might
7 have observed him taking boxes or items out of the
8 west wing.

9 Q Tell me, if you could, please -- I'll try
10 not to interrupt you. Tell me every single thing you
11 remember about that conversation with
12 Mr. Livingstone.

13 A I remember him just -- I asked him how he
14 was doing, because I had been transferred, and we
15 were friendly. We had been at the White House -- we
16 worked a number of events together.

17 And I remember him asking hey, I have to
18 ask you some questions. I'm not sure if you can
19 answer them. I said what kind of questions are
20 those? And I think he started off saying do you have
21 legal counsel? And I said I had the Secret Service
22 as my legal counsel, but why are you asking this? He

1 went on to say that do I have any knowledge of any
2 officer that had a problem with him down at the
3 White House? And I said no, I do not. I don't know
4 of any officer who's had a run-in with you or had a
5 problem where there was an altercation down at the
6 White House.

7 In fact, one of our routines was for him,
8 if he had trouble with one of our officers at the
9 gate with his staff, he would call me and I'd discuss
10 that with the officer, get to the bottom of it and
11 see if it was justified -- if it was a justified
12 complaint. So here he is asking me if he had a
13 problem with one of our officers at the White House.
14 And I said, Craig, no, I don't recall any. And then
15 he went on to ask me who do I think that officer is,
16 and I said I can't discuss anything about this.

17 Q Who did you think what officer is?

18 A The one that ID'd him coming out of the
19 west wing.

20 Q I missed a transition. He generally asked
21 you, first of all, whether you had legal counsel; is
22 that right?

1 A Yes.

2 Q And then whether or not you were aware of
3 any officer who had a problem with him in the
4 White House; is that right?

5 A Yes.

6 Q And you told him you weren't aware of that?

7 A Yes.

8 Q And did he bring up the topic of some
9 officer who observed him? How did that topic get
10 introduced?

11 A He just brought it up.

12 Q This is a long time ago, I realize, but to
13 the best of your recollection, get as close to his
14 exact words as you can.

15 A I'm not sure if he mentioned a particular
16 date or time. All I remember is him saying that some
17 officer ID'd him coming out of the west wing with
18 some boxes and it was a concern of his. He had his
19 own legal counsel to represent him.

20 Q And he asked you to identify to him the
21 officer; is that correct?

22 A Yes.

1 Q And did you do that?

2 A No.

3 Q Why not?

4 A Because I discontinued the conversation
5 there and I changed the subject. I said I wouldn't
6 be talking about that. I said, Craig, I don't talk
7 business like that. That's not up for discussion.

8 Q Did you personally feel that the telephone
9 call was inappropriate in some way?

10 A Yes.

11 Q Why?

12 A Because I think he wanted to talk about the
13 Foster incident that particular morning.

14 Q And did you have any conversation with him
15 about the Foster incident that morning?

16 A No. I mean, the morning he called me in
17 February?

18 Q Yes, sir.

19 A No, I didn't. That was a Sunday evening,
20 probably after 6:00 on Sunday.

21 Q I just want to make sure I've got the
22 conversation down. How long do you think that phone

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1 call lasted?

2 A It was only a few minutes. It seemed to go
3 short when I didn't want to talk.

4 Q And he asked you to identify to him the
5 officer who observed him in the west wing the morning
6 after Mr. Foster's death; is that right?

7 A Yes.

8 Q And you refused to do that?

9 A Yes.

10 Q Did Mr. Livingstone at that time make any
11 further statements about what occurred in the west
12 wing on the morning after Mr. Foster died?

13 A No, he didn't.

14 Q He didn't say to you words or substance
15 like "I wasn't there," or "I was there, but I wasn't
16 in the White House counsel's office" or anything to
17 that effect?

18 A No, he did not.

19 Q I take it, based upon this conversation
20 with Mr. Livingstone, you don't know whether or not
21 he removed documents from Mr. Foster's office; is
22 that right?

1 A No, I don't.

2 Q Do you have a personal belief as to whether
3 or not he did based on anything you know?

4 A I can only -- I only know the officer that
5 stated that he saw something. I've known him for
6 approximately -- maybe 12 to 15 years, and I had my
7 confidence in that particular officer that he did see
8 something that morning or else -- there was no reason
9 for him to make something like that up.

10 Q You're confident that he did see what he
11 said he saw, in other words?

12 A Yes.

13 Q Based upon your experience with Mr. Abbott,
14 is he an overly suspicious kind of fellow?

15 A I wouldn't call him overly suspicious.
16 He's an officer that tries to do the best job he can.

17 Q Do you think he's careful -- and let me
18 tell you what I'm getting at. Is he overreacting to
19 something ordinary that he saw -- or, based upon your
20 experience with him, if he thinks that something is
21 suspicious, did he really see something suspicious?

22 A Like I say, he's a pretty experienced

1 officer, and I've never seen him overreact. He was
2 in a position in the control center where a lot of
3 reports come in on arrests, a lot of serious
4 penetrations at the White House where somebody might
5 jump the fence, and he was in a position where it was
6 considered high stress, monitoring any type of
7 alarms.

8 Q How long had Officer Abbott been posted in
9 the west wing, do you know?

10 A That morning?

11 Q No, I mean generally speaking.

12 A I'd have to elaborate on that a little more
13 because that's not a permanent post for him at that
14 time. It was not a permanent post at that time.
15 He's what we called an unassigned officer, which
16 means that just about anything that comes up, he
17 could fall into it where we'd use him, and I think
18 the majority of the times he would be used in the
19 control center or comm and post type of job. That
20 particular day, probably because we were short, he
21 was put on post, and he had the experience to run
22 that post. That's why he was chosen.

1 Q To the best of your knowledge, had he
2 worked a post in the west wing offices prior to that
3 day at any time?

4 A Prior to the same day or the same -- within
5 a week or two weeks?

6 Q I apologize. I'm trying to ascertain
7 whether this is the first time Mr. Abbott had ever
8 worked in the west wing or whether he had been over
9 there quite a bit.

10 A No, he was over there quite a bit. That's
11 a requirement that you work over there, formally
12 train over there and you've demonstrated the fact
13 that you can work there alone, because it includes
14 several different locations within the west wing.
15 There's seven different posts besides that one that
16 you would basically rotate into.

17 Q Let me come back to your conversation with
18 Mr. Livingstone. Your best recollection is that it
19 was on a Sunday evening sometime after February of
20 1994; is that correct?

21 A Yes.

22 Q Can you place that date in time any more

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1 specifically than that?

2 A No, I can't.

3 Q You didn't make an entry on a journal or a
4 log or anything of that kind?

5 A No.

6 Q And I take it you didn't make a recording
7 of that telephone conversation?

8 A No, I didn't.

9 Q Did you report that telephone conversation
10 to anyone?

11 A Yes, I did.

12 Q To whom did you report that?

13 A Two individuals. Paul Imbordino, who is
14 still assigned down to the White House, and Assistant
15 Chief Rich Friedman.

16 Q When did you report it to Mr. Imbordino?

17 A I can't recall, but it was either -- it was
18 within a 24-hour period.

19 Q Either later that Sunday evening or
20 sometime on Monday. Is that fair to say?

21 A Yeah.

22 Q And do you recall any of the details of

1 your conversation with Mr. Imbordino?

2 A No. Basically what I told Paul was that
3 Craig Livingstone had called me on a Sunday, and I
4 found that kind of unusual for him to call me on my
5 day off -- and I was no longer assigned to the
6 branch, so it was unusual that he would be reaching
7 out outside to a branch where I'm not even there to
8 help him anymore. He would have to facilitate his
9 requests through another inspector that would be
10 assigned down there and who took my place.

11 Q And what did -- did you tell Mr. Imbordino
12 what Mr. Livingstone had asked you?

13 A Yes, I did.

14 Q Did you describe to him generally the
15 content of the conversation in the same way that
16 we've talked about it here today?

17 A Yes.

18 Q And you told him, therefore, that
19 Mr. Livingstone wanted to know the name of the
20 officer who identified him as being in the west wing
21 of the White House and removing documents the morning
22 after Mr. Foster died? Do you think you used words

1 to that effect with Mr. Imbordino?

2 A Yes, I did.

3 Q What, if anything, did Mr. Imbordino say?

4 A I think he basically just took a mental
5 note of it. And again, being a policeman, I'm sure
6 he reported it to his supervisor. That was my
7 intent.

8 Q It was your intent that Mr. Imbordino would
9 report that further up the chain?

10 A Yes.

11 Q Did you have a particular person in mind
12 that Mr. Imbordino should have reported that to?

13 A Yes, the assistant director of protective
14 operations.

15 Q And what's that person's name?

16 A At that time?

17 Q Yes, sir.

18 A I think it might have been Guy Caputo.

19 Q Did you specifically ask Mr. Imbordino to
20 report that or did you simply assume that he would?

21 A I assumed that he would.

22 Q Did he say whether or not he would?

1 A No, I can't recall.

2 MR. FOLEY: Off the record for a second.

3 (Discussion off the record.)

4 THE WITNESS: Usually any --

5 (Pause.)

6 BY MR. JOHNSON:

7 Q Mr. Martin, in an off-the-record

8 conversation, I think we've got greater clarity now

9 about who it is that you would have anticipated that

10 Mr. Imbordino would have reported your telephone call

11 to. Before, you had suggested it was Mr. Caputo. Do

12 you have a different recollection now?

13 A Yes, sir, Dick Griffin.

14 Q And who is Mr. Griffin?

15 A I can't recall his title right at this

16 time. I think he was assistant director or deputy

17 assistant director of protective operations.

18 Q Your counsel is suggesting to you that it

19 was deputy assistant director of operation, does that

20 sound right to you?

21 A Yes.

22 Q Mr. Griffin would have reported to

1 Mr. Caputo at that time?

2 A In a chain, yes.

3 Q Your expectation was that Mr. Imbordino

4 would report what you had told him to Mr. Griffin.

5 Have I got this right?

6 A Yes.

7 Q Do you know whether or not that actually

8 occurred?

9 A No, I don't.

10 Q And I think you also testified that you

11 called Rich Friedman?

12 A Yes.

13 Q Who is Mr. Friedman?

14 A He's my direct supervisor, the assistant

15 chief of the uniformed division.

16 Q When, if you recall, did you call

17 Mr. Friedman?

18 A It was within the 24-hour period.

19 Q So just like with Mr. Imbordino, you

20 assumed it was either later that Sunday evening or

21 sometime on Monday; is that correct?

22 A Yes.

1 Q Are you aware of any particular reason --
2 strike that.

3 Did Mr. Livingstone say why he was calling
4 you in February of 1994 as opposed to some other
5 time?

6 A No, he didn't.

7 Q Whether or not he said it, do you have any
8 understanding of why it is he was calling you then?

9 A No.

10 Q You testified that you had transferred out
11 of the White House at that time; is that correct?

12 A In February of 1994, yes.

13 Q Were there any circumstances around that
14 transfer that caused Mr. Livingstone to call you
15 after you transferred, or was it just an ordinary
16 transfer out?

17 A It was an ordinary transfer.

18 Q Did Mr. Livingstone tell you in that
19 conversation that he was represented by counsel?

20 A Yes, he said he was with a lawyer.

21 Q Did he mention the name of the lawyer?

22 A I can't recall that.

1 Q Other than this -- sometime after February
2 1994 telephone call -- by the way, is it possible to
3 place that in time? Was it still winter when he
4 called you, do you recall?

5 A I know I transferred out in February of
6 1994. I'd say it was probably within -- no more than
7 three months after I transferred.

8 Q So winter to early spring of 1994 is your
9 best guess?

10 A Yes.

11 Q After that telephone call from
12 Mr. Livingstone, did you contact Mr. Abbott and tell
13 Mr. Abbott that Mr. Livingstone had called you?

14 A I don't recall doing that, no.

15 Q Did you receive any further contact from
16 anyone in connection with the events that Mr. Abbott
17 reported to you on the morning of July 21, 1993?

18 A You mean after the initial investigation,
19 the first few days?

20 Q Yes, sir.

21 A After the second or third day, our job was
22 basically done.

1 Q And later in time -- we've established that
2 Mr. Livingstone called you once; is that correct?

3 A Yes.

4 Q Did Mr. Livingstone call you anymore?

5 A No.

6 Q Since that day, sometime between February
7 and May of 1994, have you spoken with
8 Mr. Livingstone?

9 A Yes.

10 Q Tell us about that, if you would, please.

11 A That was basically down at the White House,
12 if I would go down there for business and
13 occasionally, I would run into him. There would be a
14 discussion almost exactly hi, how are you doing,
15 that's about it.

16 Q Did the topic of his being identified in
17 the west wing of the White House the day after
18 Mr. Foster's death, did that topic ever come up?

19 A No.

20 Q Is it right that up to and including today
21 you have not spoken with Mr. Livingstone on that
22 topic since he called you at home sometime in the

1 winter or spring of 1994?

2 A Yes, that's correct.

3 Q Did you ever speak further with anyone else
4 on that topic? Exclude from your answer
5 conversations you may have had with a representative
6 of the Independent Counsel's office, other than any
7 independent conversations you may have had in their
8 investigation. Have you ever spoken with anyone else
9 on this topic?

10 A Only with Bruce Abbott and Paul Imbordino.

11 Q You've had further conversations with
12 Mr. Abbott and Mr. Imbordino on this topic; is that
13 correct?

14 A Yes.

15 Q Can you tell us what those were, if you
16 recall?

17 A Again, they would be -- every time an
18 article would come up, say, in The Washington Post,
19 Bruce Abbott would call me, again, about his name
20 being used.

21 Q Why would he call you and be concerned
22 about his name being used?

1 A Because at the time of the incident, I was
2 his supervisor, and I think he felt more comfortable
3 that I had knowledge of the event. I was under the
4 impression that he spoke to no one else about the
5 event. When the new supervisors came in -- when
6 another inspector came into the White House, it
7 wasn't topic for discussion.

8 Q Was Mr. Abbott trying to convey to you that
9 he was not the source of this information for The
10 Washington Post and other news media stories?

11 A No, he didn't. He was just concerned -- he
12 was afraid that his name would come out in some way.

13 Q And he didn't say one way or another? He
14 didn't say like I'm not speaking with the press or
15 anything like that?

16 A No.

17 Q Did you ever have any more substantive
18 conversations, other than concerns expressed about
19 press articles, any more substantive conversations
20 about the event itself with Mr. Abbott?

21 A No.

22 Q When was the last time you imagine you

1 spoke with Mr. Abbott on anything at all related to
2 this topic?

3 A Maybe about six weeks ago.

4 Q And again, was that in the context of a
5 press story, or was it in some other context?

6 A Yes, press story again.

7 Q Tell me about the conversations that you've
8 had with Mr. Imbordino on this topic since your phone
9 call to him within 24 hours or so of
10 Mr. Livingstone's phone call to you.

11 A Again, usually anything that would come out
12 in the newspapers, he would either call me or I might
13 call him, just sort of a courtesy call saying hey,
14 it's in today's paper, and that would be about the
15 extent of it.

16 Q Did Mr. Imbordino ever say to you whether
17 or not he had report your telephone call to anyone
18 else?

19 A No, he didn't.

20 Q Did he ever say or imply to you that there
21 had been an investigation into Mr. Abbott's
22 observations on the morning of July 21st? Did he

1 ever shed any light on whether he knew more about
2 that than you had told him?

3 A No, not that I can recall.

4 Q Mr. Martin, why in your various incidental
5 contacts with Mr. Livingstone have you never asked
6 him whether or not Officer Abbott's observations were
7 correct?

8 A It wasn't my role.

9 Q And whether or not you ever asked him, I
10 take it he's never offered or volunteered to you any
11 explanation -- Officer Abbott's observations on the
12 morning of the 21st?

13 A No, he hasn't.

14 Q He's never said to you anything like
15 Dennis, I wasn't even there or anything to that
16 effect?

17 A No. It was no longer a topic of discussion
18 after that phone call, when he called me at my
19 residence, we never discussed the incident again.

20 Q I think I know the answer to this, but I
21 take it no attorney representing Mr. Livingstone ever
22 called you and asked to interview you or anything

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1 like that?

2 A No, not to my knowledge.

3 Q Let me do just a couple of record things
4 here and maybe we can break and squeeze Mr. Skyles in
5 very quickly and come back and do a more
6 chronological thing.

7 Mr. Martin, how long have you been with the
8 Secret Service?

9 A This October will be 21 years.

10 Q In July of 1993, what was your job title?

11 A I was the deputy branch commander for the
12 White House, and that's the rank of inspector.

13 Q And generally speaking, what were your
14 responsibilities?

15 A The operation of the White House branch,
16 security at the White House, access control for
17 staff.

18 Q To whom did you report in that time frame,
19 July of 1993?

20 A Usually, I called the assistant chief who
21 reported to the chief.

22 Q I'm sure you've told me this, but give

1 their names to me again.

2 A Assistant Chief Rich Friedman. They also
3 had a deputy chief assigned to the White House.

4 Q Who was that?

5 A Deputy Chief Steve Johnson.

6 Q How long did you work physically in the
7 White House complex?

8 A I've been there -- over a number of years
9 or just during the administration, Clinton
10 Administration?

11 Q How many years have you worked in the White
12 House?

13 A On and off from 1976 until 1979. From 1985
14 to 1986, from 1989 until 1994.

15 Q And I take it you are very familiar with
16 the layout of the west wing of the White House?

17 A Yes, fairly familiar with it. It changes
18 with the administration.

19 Q Let me give you a list of people, and my
20 question for each of these people is whether you
21 would have recognized them in July of 1993. The
22 President and First Lady, of course, you'd

1 recognize.

2 Mr. Nussbaum?

3 A Prior to the Foster incident, I wouldn't
4 have recognized him, although we do have photographs
5 of him on post. I would have had to make reference
6 to a photograph.

7 Q Mr. McLarty?

8 A I'd recognize him on site because I've seen
9 him.

10 Q Mr. Gearan?

11 A I'd recognize him on sight at the time.

12 Q Dee Dee Myers?

13 A Yes.

14 Q Patsy Thomasson?

15 A Yes, I'd recognize her.

16 Q Ms. Williams, Maggie Williams?

17 A No, I don't think I'd recognize her.

18 Q A young fellow by the name of Tom
19 Castleton?

20 A I wouldn't recognize him.

21 Q An attorney by the name of Cliff Sloan?

22 A I wouldn't recognize him.

- 1 Q An attorney by the name of Steve Neuwirth?
2 A I wouldn't recognize him.
3 Q Would you have recognized Mr. Nussbaum's
4 secretary, Ms. Pond?
5 A No, I wouldn't have.
6 Q And Mr. Foster's then-secretary,
7 Ms. Gorham?
8 A No, I wouldn't have.
9 Q Would you have recognized Mr. Foster
10 himself?
11 A No.
12 Q Craig Livingstone, I take it, you would
13 have recognized?
14 A Yes.
15 Q David Watkins?
16 A Yes, I would have recognized him.
17 Q William Kennedy?
18 A I did see him once at a briefing, so I
19 would have recognized him, yes.
20 Q What about Webster Hubbell?
21 A No, I wouldn't have recognized him.
22 Q George Stephanopoulos?

- 1 A I would have recognized him.
2 Q Roy Neel?
3 A I know the name, but I can't place the
4 face, no.
5 Q What about a Mr. William Burton?
6 A No.
7 Q What about Sylvia Matthews?
8 A No, I wouldn't have.
9 MR. JOHNSON: I think this is actually a
10 pretty good time for us to take a break.
11 (Recess.)
12 BY MR. JOHNSON:
13 Q Thank you, Mr. Martin for your patience in
14 that break. When we -- before we recessed, we were
15 discussing individuals who worked in or around the
16 White House in July of 1993 who you might have
17 recognized at that time. What I'd like to do now is
18 jump forward in time to the day of July 20, 1993,
19 which is the day that Mr. Foster died. Were you
20 working at the White House on that day?
21 A Earlier in the day, I was, yes.
22 Q Do you recall, generally speaking, what

1 time you left the White House on that day?

2 A I can't recall the exact time I left, no.

3 Q Can you ballpark it? Do you recall it

4 being very late in the evening or sort of the end --

5 A I think I got home before 6:00 or 6:30 in
6 the evening.

7 Q Sort of the normal end of the business day
8 is when you left?

9 A Yeah.

10 Q I take it later that evening you learned
11 that Mr. Foster's body had been discovered; is that
12 correct?

13 A Yes.

14 Q How did you learn that?

15 A I received a telephone call from our
16 command post. We have an official in the rank of
17 lieutenant or above who would consider a watch
18 commander as responsible for that shift.

19 Q And he called you at home?

20 A Yes.

21 Q What do you recall that he said?

22 A He stated that he had received information

1 from the U.S. Park Police that a White House
2 passholder's body had been found off the GW Parkway
3 in, I guess it was, Fort Marcy Park.

4 Q Did he identify Mr. Foster to you?

5 A He stated that what they had done --
6 apparently they had found either a White House pass
7 or a credential with his name on it. And the Park
8 Police, recognizing that White House pass because
9 they see them around the White House while they're
10 posted out there, too, immediately called our
11 operations desk, our lieutenant in charge and gave
12 him the name, at which time the lieutenant checked on
13 the name to see if the person was registered as a
14 White House passholder, which he was.

15 Q And so the lieutenant at the command center
16 called you that evening. Why would he have called
17 you?

18 A Because I was the deputy branch commander
19 for the branch.

20 Q He was reporting up the chain of command?

21 A Yes.

22 Q In your initial conversation with the White

1 House command center, if I've said that correctly,
2 was there any discussion about whether or not to
3 increase the security around Mr. Foster's office at
4 that time?

5 A No.

6 Q And was there any other substance in your
7 conversation with the control center at that time,
8 other than Mr. Foster's body has been found?

9 A With the watch commander?

10 Q Yes, sir.

11 A Could you repeat that question?

12 Q I'm just asking if you talked about
13 anything else or whether he just generally gave you
14 the information?

15 A He gave me the information and was
16 basically looking for guidance.

17 Q What guidance did you give him?

18 A There were no notification procedures. I
19 said I would notify the chief's office, in which I
20 notified Richard Friedman, the assistant chief, at
21 home, and I also notified Paul Imbordino, our White
22 House liaison. In addition, I notified -- I'm not

60

1 sure which process I used to notify him. I don't
2 know if I went through the board or if I had my watch
3 commander go to the White House operations board and
4 have Craig Livingstone call me.

5 Q Let me take you through each one of those.
6 You called Mr. Friedman?

7 A Yes.

8 Q Was Mr. Friedman at home?

9 A Yes.

10 Q And did you give him essentially the same
11 information that the watch commander had given you?

12 A Yes.

13 Q And did you discuss with Mr. Friedman --
14 had Mr. Friedman heard before you called him that
15 Mr. Foster was dead?

16 A I'm not sure. I can't recall that.

17 Q Was it your impression that he was hearing
18 it for the first time?

19 A I really can't recall.

20 Q Can you estimate roughly what time of night
21 the watch commander called you?

22 A It was after 8:00 in the evening.

1 Q Was it before 10:00 in the evening, do you
2 think?

3 A Yes.

4 Q And can we place it any more precisely than
5 between 8:00 and 10:00 -- closer to 8:00 than 10:00?

6 A Maybe between 8:30 and 9:00, something like
7 that.

8 Q And you said you called Mr. Friedman,
9 Mr. Imbordino and Mr. Livingstone; is that correct?

10 A Yes.

11 Q Do you remember which one you called first?

12 A Yes. Rich Friedman.

13 Q And you told Mr. Friedman what the watch
14 commander had told you, I take it?

15 A Yes.

16 Q What other conversations did you have with
17 Mr. Friedman at that time?

18 A I told him I'd be notifying Paul Imbordino
19 and I'd probably notify a staff member to ID the
20 body.

21 Q Did you discuss with Mr. Friedman whether
22 or not any additional or enhanced security measures

1 should be taken with respect to Mr. Foster's office
2 or --

3 A No, that was never discussed.

4 Q And when you say it was never discussed,
5 you mean it wasn't discussed with Mr. Imbordino as
6 well?

7 A Yes, it was never discussed with Imbordino.

8 Q I think we can go quickly through your
9 conversation with Mr. Imbordino. Did you call him at
10 home?

11 A Yes. I'm not sure if I reached him by page
12 or direct. I can't recall that, but I did speak to
13 him.

14 Q And is he who you called after you called
15 Mr. Friedman?

16 A Yes.

17 Q Just briefly describe, if you would,
18 please, your conversation with Mr. Imbordino.

19 A Basically that they had received
20 information that Mr. Foster, a White House
21 passholder -- had looked like an apparent suicide.

22 Q Did either Mr. Friedman or Mr. Imbordino

1 return to the White House that evening, to the best
2 of your knowledge?

3 A I don't recall that.

4 Q And I take it you did not go back to the
5 White House?

6 A No.

7 Q And you also called Mr. Livingstone, you
8 said?

9 A Yes.

10 Q Roughly what time was it when you reached
11 Mr. Livingstone?

12 A It was before 9:00 in the evening. I
13 received a call -- maybe it was about 20 minutes
14 after I received the initial call.

15 Q And if the initial call was around 8:30,
16 your guess, therefore, it was before 9:00?

17 A Yes.

18 Q Where did you reach Mr. Livingstone?

19 A It seemed like it was a portable phone or
20 car phone.

21 Q How did you get that number?

22 A I didn't have that number. That's why I

1 think I went through my 058, my watch commander, who
2 in turn went to the White House operator, who in turn
3 paged Livingstone maybe with my number. Then he
4 called me at home.

5 Q So your best impression is that he was on a
6 cell phone. What makes you think that?

7 A Because it was static, and I think it was
8 discussed. I think he mentioned that he was in the
9 car phone, that we might get lost.

10 Q He was physically in his car?

11 A Yes.

12 Q Do you have any idea where he was driving?

13 A No.

14 Q You don't know his proximity to the White
15 House or anything like that?

16 A No.

17 Q When you spoke with Mr. Livingstone, was he
18 already aware, to the best of your knowledge, that
19 Mr. Foster was dead?

20 A As much as I can recall, I remember I
21 remembered telling him that Mr. Foster had died and
22 that I was sorry to hear that, and he seemed pretty

1 upset over the telephone. It was like he heard it
2 first from me.

3 Q Your impression was he was hearing it first
4 from you?

5 A Yes.

6 Q What did he say when you told him
7 Mr. Foster was dead?

8 A I can't recall.

9 Q Were there any discussions with
10 Mr. Livingstone about Mr. Foster's office or access
11 to Mr. Foster's office or anything of that kind?

12 A No.

13 Q Did Mr. Livingstone say or indicate to you
14 that he was going to return to the White House?

15 A No.

16 Q Anything else about that telephone
17 conversation on July 20 with Mr. Livingstone that you
18 recall?

19 A Only that I asked him would he be willing
20 to ID the body at the morgue.

21 Q How did you come to ask him that?

22 A It was the intent of my conversation. It

1 was my intention of getting ahold of him.

2 Q I think I missed something en route here.
3 Had the watch commander indicated to you that there
4 was a necessity to have someone go ID the body?

5 A No.

6 Q What made you think that was necessary?

7 A Craig Livingstone's position with the
8 staff. His particular office maintains records of
9 all employees and I just wanted verification that
10 that was Mr. Foster.

11 Q So you were not communicating Park Police
12 or other requests. This was your own independent
13 request --

14 A Yes.

15 Q -- for Mr. Livingstone to identify
16 Mr. Foster's body?

17 A Yes.

18 Q Did you know where Mr. Foster's body was at
19 that time?

20 A I had gotten directions. I can't recall at
21 this time, but I had gotten directions from the watch
22 command, what hospital it was, and that took a series

1 of phone calls where I had to call back to get
2 directions on it. I don't think I ever relayed those
3 directions to Craig because of the car phone. I was
4 never able again to reach him after that.

5 Q Just to be clear, did he agree to go and
6 identify the body?

7 A Yes, as much as I can recall, he stated
8 that he needed the location and directions on where
9 the body would be.

10 Q But you did not give him those?

11 A Not right away, no, I didn't.

12 Q Why is that?

13 A Because I had to call back -- there was no
14 way for me to put him on hold, so what I would have
15 to do is call back to my operations desk and get the
16 specific area where the body would be.

17 Q You didn't know, in your first
18 conversation, where the body was?

19 A No.

20 Q So the telephone calls in which you tried
21 to ascertain where Mr. Foster's body had been taken
22 took place after your initial call with

1 Mr. Livingstone; is that correct?

2 A Could you repeat that.

3 Q You spoke with Mr. Livingstone and then you
4 made a number of calls to try and ascertain where
5 Mr. Foster's body had been taken?

6 A Yes.

7 Q And that took how long?

8 A It took maybe five to 10 minutes.

9 Q And after you found out the directions to
10 the location, did you try and call Mr. Livingstone
11 back?

12 A Yes.

13 Q Did you try and call him on his car phone?

14 A I think I did have the number, to call him
15 back on that.

16 Q And you didn't reach him, I take it?

17 A No, I didn't.

18 Q Did you call him at his home telephone
19 number?

20 A No.

21 Q You tried only his car telephone?

22 A Yes.

1 Q Just out of curiosity, why didn't you then
2 try his home?

3 A Because I figured he was en route. Since
4 he was in his vehicle, he would be en route from
5 there.

6 Q To where?

7 A To the location of the body in the morgue.

8 Q How would Mr. Livingstone here known where
9 to go?

10 A Possibly by making another telephone call.
11 I was under the impression that he might have called
12 maybe U.S. Park Police at that point.

13 Q You think he may have independently
14 ascertained where the body was?

15 A Yes.

16 Q Did you call his office at the White House?

17 A That night? No.

18 Q So you only tried his car phone number?

19 A Yes.

20 Q You can't say for certain whether he was at
21 home or in the White House or en route to the
22 morgue -- at the morgue. Do you know today whether

1 or not he went directly to the morgue that evening?

2 A I don't know.

3 Q What other communications, if any, did you
4 have on the evening of July 20th regarding
5 Mr. Foster's death?

6 A Just a call back maybe to the operations
7 desk to give them guidance again on the procedures
8 for notification.

9 Q Notification procedures?

10 A Yeah.

11 Q And I think you may have answered this
12 already, but at no time on that evening did you
13 discuss with anyone whether or not to put in place
14 additional security with respect to Mr. Foster's
15 office or his documents?

16 A It didn't seem like it was necessary.

17 Q Did anyone ever say to you in the course of
18 that evening we ought to go in there and see if
19 there's a suicide note or something to that effect?

20 A No.

21 Q What, Mr. Martin, is the next thing that
22 happened, in your memory, related to Mr. Foster and

1 his death of July 20th?

2 A That particular evening? After the
3 telephone call with the watch commander at the White
4 House, that was about the extent that night.

5 Q Nothing further on the 20th?

6 A Nothing further.

7 Q And I take it on the morning of July 21st
8 you went to work?

9 A Yes.

10 Q Do you recall what time you arrived at work
11 that morning?

12 A Specific time, no.

13 Q Did you arrive earlier than your normal
14 arrival time, to the best of your recollection?

15 A Yes.

16 Q Just generally speaking, what time do you
17 think you arrived that morning?

18 A Probably before 7:00 in the morning.

19 Q And what, if anything, did you do in
20 connection with Mr. Foster's death when you arrived
21 at the White House on the 21st?

22 A I was to meet the investigators at the

1 southwest gate.

2 Q Did you know that before you arrived at the
3 White House that morning?

4 A Yes, I did.

5 Q How did you know that?

6 A That's per a telephone conversation with
7 Paul Imbordino the night before.

8 Q On the evening of the 20th, Mr. Imbordino
9 told you to meet investigators the next morning?

10 A He said I would help facilitate getting the
11 investigators in, yes.

12 Q Therefore, what did you do with respect to
13 that when you arrived at work?

14 A I went directly to my office, changed into
15 a blazer and tie rather than uniform, because the
16 concern was press coverage, responded down to the
17 southwest gate and waited for investigators to show
18 up.

19 Q What time did you arrive at the southwest
20 gate?

21 A I can't recall specifically.

22 Q Can you say generally whether it was before

1 or after 9:00 a.m.?

2 A It was before 9:00 a.m.

3 Q Do you think it was before 8:00 a.m.?

4 A It's possible it was before 8:00 a.m., yes,
5 sir.

6 Q And did you just physically wait there for
7 the investigators to arrive?

8 A Yes.

9 Q How long did you wait?

10 A For the investigators?

11 Q Yes.

12 A 40 minutes. Roughly 40 minutes.

13 Q So your recollection is that they arrived
14 at the White House reasonably early in the morning of
15 the 21st; is that right?

16 A Yes, I'd say between 8:30 and 8:40. I had
17 gone into the west wing earlier with another group of
18 investigators that were there.

19 Q Well, I missed that. Let me come back to
20 that. What group of investigators were there
21 already?

22 A As I went down to the gate to meet the Park

1 Police, I observed the unmarked vehicle pull up to
2 the southwest gate, which I recognized as the chief
3 of Park Police.

4 Q Is that Mr. Langston?

5 A Yes.

6 Q Was anyone with Mr. Langston?

7 A Yes.

8 Q Who was with him?

9 A Major Hines.

10 Q Was Pete Markland with him as well?

11 A No.

12 Q So just Mr. Langston and Mr. Hines. Can
13 you estimate -- maybe you already did -- what time
14 that was that they arrived?

15 A I can't recall.

16 Q Before 8:00 in the morning?

17 A Yes.

18 Q Did you personally receive them?

19 A Yes. My concern was in that particular
20 area, the vehicle pulled up to the gate. First of
21 all, it was blocking the gate from other staff
22 members from coming in and the concern was press.

1 The press usually hangs around the gate and tries to
2 film cars coming in. Recognizing it was the chief of
3 police, who I know, I asked the officers to open the
4 gate and I got him in and helped him park the vehicle
5 on the avenue and escorted him up to the west wing.

6 Q Did you actually get in the car with them
7 and ride up there?

8 A No, I motioned him through the park,
9 approximately 50 feet up from where I was standing
10 and met him as they exited the vehicle.

11 Q So to the best of your knowledge, you were
12 the first person to speak with them at the White
13 House complex that morning?

14 A Yes.

15 Q What do you recall about the conversation
16 you had with him when you met them in the parking
17 lot?

18 A I asked him what they were there for.

19 Q And what did they say?

20 A They said they had an appointment to see
21 David Watkins.

22 Q Did they say more than that about what --

1 A No.

2 Q Did you inquire whether it had anything to
3 do with Mr. Foster, or did you simply assume that --
4 maybe you didn't assume that?

5 A My concern was to get the actual
6 investigators in. So what I did was I escorted them
7 over to the west wing to David Watkins's office.

8 Q Did you take them physically right to his
9 office?

10 A No. I took them to the area -- there's a
11 waiting area by the situation room.

12 Q And did someone then come out and meet the
13 investigators?

14 A Yes.

15 Q Who did?

16 A It was somebody from the staff.

17 Q It was not Mr. Watkins?

18 A No.

19 Q Do you know whether or not Mr. Watkins was
20 already there?

21 A Yes, he was.

22 Q And how do you know that?

1 A When they were escorted in, I kind of went
2 up to the doorway and I saw him.

3 Q Did you have any conversations with them or
4 were you checking to see if he was there?

5 A I was trying to accommodate the Park Police
6 to get in.

7 Q With Chief Langston and Captain Hume, did
8 you have any further conversations with them at that
9 time about their purpose for being there other than
10 to meet Mr. Watkins?

11 A Can I clarify something?

12 Q Please.

13 A Captain Hume didn't come until later on.
14 It was Major Hines.

15 Q I apologize. That's what you said and I
16 confused that.

17 A And I don't remember Major Hines going into
18 the west wing. I can only recall Chief Langston
19 going in. I think Major Hines might have stayed with
20 the vehicle.

21 Q Thank you for clarifying that. So
22 therefore, with either Major Hines, who remained

1 outside, or Chief Langston, who went in with you to
2 the west wing, did you have any further conversations
3 with them about their purpose for being in the west
4 wing?

5 A No.

6 Q After you escorted Chief Langston to the
7 west wing, what did you do?

8 A I immediately went down to the southwest
9 gate again to make sure I would meet my appointment
10 with the other investigators coming in.

11 Q And I think you testified before that you
12 waited there in the vicinity of 40 minutes; is that
13 correct?

14 A From the time that I initially got out
15 there and escorted Chief Langston and then went back
16 down there and waited an additional 15, 20 minutes,
17 it seemed like it was about 40 minutes, yes.

18 Q And who arrived -- which investigators
19 arrived that morning?

20 A The first two investigators who came were
21 FBI agents.

22 Q Do you recall their names?

1 A No, I don't.

2 Q Do you recall whether Special Agent Salter
3 was one of them?

4 A The name, like I say, sounds familiar. I
5 recall one guy having blonde hair, young.

6 Q There were two of them?

7 A Yes.

8 Q Does the name Special Agent Condon ring a
9 bell to you?

10 A No, it doesn't.

11 Q What did you do when you met the FBI
12 agents?

13 A I cleared them through the gates and had
14 them maintain custody of their weapons. It was
15 necessary for them to lock their weapons up because
16 they would be under escort by myself. I asked them
17 if they wouldn't mind waiting because we'd have two
18 additional investigators coming from Park Police.

19 Q Where did they wait?

20 A We waited outside the security post out on
21 the sidewalk.

22 Q Physically standing outside?

1 A We're inside the secured area on the
2 avenue, on West Executive Avenue, but we're outside
3 the security post itself, the building.

4 Q What, if anything, did the FBI agents say
5 was their purpose in being there that morning?

6 A Said they were there to talk to
7 Mr. Nussbaum.

8 Q Did they say why or about what?

9 A I don't think they had to. I think we all
10 knew what it was for.

11 Q What did you assume it was for?

12 A I had been told the night before they would
13 be going up to Mr. Nussbaum's office to talk about
14 Mr. Foster's death.

15 Q And I take it you waited down there for
16 some period of time for the Park Police investigators
17 to arrive?

18 A Yes.

19 Q How much longer did you wait?

20 A With the FBI agents with me?

21 Q Yes, sir.

22 A I was maybe standing with the FBI agents

1 maybe 10, 15 minutes.

2 Q And then Captain Hume and Detective
3 Markland arrived; is that right?

4 A Yes, they were on foot.

5 Q What time, approximately, do you think they
6 arrived?

7 A It seemed like it was before 9:00.

8 Q So if I can summarize -- and tell me if
9 I've got this wrong -- based on your personal
10 knowledge, two Park Police, two FBI agents, Chief
11 Langston and Major Hines, six investigators were
12 physically present at the White House before 9:00 in
13 the morning on the 21st of July. Is that accurate?

14 A With one exception, and that would be the
15 two -- are you considering Bob Langston and Major
16 Hines as part of the investigation team, which I
17 didn't consider at that time? They were there for an
18 appointment to see Mr. Watkins. They weren't there
19 to be escorted by us to go into Nussbaum's office.

20 Q You didn't understand they were there to
21 conduct any investigation?

22 A Yes.

1 Q Let me restate it to see if I've got it
2 right. There were four people who you considered to
3 be part of the investigative team?

4 A Yes.

5 Q The two FBI agents; is that correct?

6 A Yes.

7 Q And Captain Hume and Detective Markland,
8 the Park Police; is that correct?

9 A Yes.

10 Q And all four of those, you're personally
11 certain, were physically present at the White House
12 at or before 9:00 in the morning on the morning of
13 the 21st?

14 A Yes.

15 Q What did you next do with the four agents
16 that you were escorting?

17 A I escorted them up to the lobby area by the
18 situation room, the west basement.

19 Q And then what happened?

20 A I went up to the officer at the post and
21 asked them to call up to Nussbaum's office to send
22 somebody down to pick up the appointments.

1 Q Do you know whether, in fact, they did send
2 somebody down?

3 A I remember seeing Mr. Nussbaum come down.

4 Q Did he meet with the two Park Police and
5 two FBI agents at that time? Mr. Nussbaum, that is.

6 A They had a brief discussion in the lobby
7 area there where we were waiting.

8 Q Could you hear what was discussed?

9 A No, I couldn't hear any of the
10 conversation.

11 Q Then what happened?

12 A Then the Park Police and FBI agents, they
13 weren't permitted to go upstairs.

14 Q How do you know that?

15 A Because I was responsible for their escort,
16 and I kind of got stuck with them the whole day where
17 I had to baby-sit them.

18 Q Who told you they couldn't go upstairs?

19 A They informed me that they wouldn't be
20 going up right away. Mr. Nussbaum came down. I
21 don't know what words were said to them, but they
22 just weren't allowed entry.

1 Q What was their attitude about that?

2 A I remember the two FBI agents wanting to
3 call the FBI Justice lawyers.

4 Q How do you know that?

5 A Because they asked me for a telephone to
6 call them.

7 Q Were they angry?

8 A They seemed annoyed.

9 Q Was it based on your -- to your knowledge,
10 were they surprised that they weren't allowed to go
11 upstairs?

12 A Yes.

13 Q Did they say they were surprised?

14 A No.

15 Q Do you remember any of the words that they
16 may have used to express their annoyance?

17 A Yes.

18 Q What did they say?

19 A Just profanity.

20 Q Sort of ordinary swearing?

21 A Yes.

22 Q Was it directed at a particular person?

- 1 A No.
- 2 Q Did any of them express to you the view
3 that their investigation would be compromised by the
4 delay?
- 5 A No.
- 6 Q They were just annoyed that they weren't
7 allowed to go upstairs?
- 8 A Yes.
- 9 Q Did the two FBI agents, in fact, call the
10 Department of Justice, to your knowledge?
- 11 A Yes, they did.
- 12 Q Did they do that in your presence?
- 13 A They made an initial phone call in my
14 presence.
- 15 Q You don't happen to know who they called,
16 do you?
- 17 A No.
- 18 Q Could you overhear what they said?
- 19 A No.
- 20 Q Even if you couldn't hear the words, could
21 you tell whether or not they were expressing anger
22 over the telephone?
-

- 1 A They seemed excited and annoyed.
- 2 Q Was it your impression that they were
3 annoyed -- expressing anger or annoyance or
4 excitement over the telephone because they had not
5 been allowed to go upstairs to Mr. Foster's office?
- 6 A Yes.
- 7 Q Did they, in fact, use those words not
8 being allowed to go into Foster's office?
- 9 A Yes.
- 10 Q You heard that?
- 11 A Yes.
- 12 Q What else did you hear?
- 13 A That's about the extent of what I heard.
- 14 Q Now, you said they made an initial call.
15 Did you mean to imply that they made subsequent calls
16 after that?
- 17 A Yes.
- 18 Q Tell me what you recall about that.
- 19 A I think I'd have to set the stage here of
20 what is taking place.
- 21 Q Please, feel free.
- 22 A The situation room in the west basement is

1 a very busy area. We have appointments.
2 Secret Service is obligated to not only provide
3 protection but to keep business going in the White
4 House. It got to a concern where there was just too
5 many police, even though they were plainclothes,
6 standing in the area of business, so I escorted all
7 four law enforcement people up to my office, room 409
8 of the Old Executive Office Building, gave them a
9 couch to sit on and a telephone to use.

10 Q Did you physically sit there with them as
11 they used the telephone?

12 A No.

13 Q You left?

14 A My office was right next to that. It was a
15 deputy chief's office. He was out of town at the
16 time.

17 Q You weren't physically present when they
18 made further telephone calls?

19 A They made one initial call in my presence
20 and they made subsequent calls and once they made
21 those calls, I would leave the room.

22 Q The initial call in your presence, you're

1 not referring to the one that was made in the west
2 wing?

3 A That call was never made in the west wing.
4 It was made in room 409. That's why I wanted to set
5 that straight.

6 Q The telephone call that we described
7 earlier --

8 A To the Justice Department lawyers?

9 Q -- that was the only call you overheard?

10 A Yes.

11 Q And that was made from near your office in
12 the Old Executive Office Building?

13 A Yes, room 409.

14 Q Did the Park Police express a desire to
15 call anyone?

16 A Yes.

17 Q Do you know who they wanted to call?

18 A They didn't use specific names.

19 Q Did they say I'm going to call headquarters
20 or something to that effect?

21 A Yes.

22 Q Did they, in fact, call headquarters?

- 1 A They made a few phone calls.
2 Q Is it your impression that they, too, were
3 annoyed at not being allowed to go upstairs?
4 A Yes.
5 Q Did they articulate that annoyance in any
6 way other than just profanity?
7 A No.
8 Q Just in ordinary parlance, it was just
9 clear they were mad?
10 A Yes.
11 Q And surprised?
12 A Yes, I think so.
13 Q Then what happened?
14 A They basically camped out on the couch in
15 room 409.
16 Q For how long?
17 A A few hours.
18 Q What is the next thing that happened with
19 respect to your escorting those four officers after
20 this few hour period of time?
21 A What was I involved in next?
22 Q Yes, what were you involved in next?
-

- 1 A A determination was made to post the office
2 up by Nussbaum, Mr. Foster's office.
3 Q Let me fix some things in time. Is your
4 recollection clear at the time the determination was
5 made to secure Mr. Foster's office with a
6 Secret Service guard, that the Park Police and FBI
7 investigators were already there?
8 A Yes, they were already there.
9 Q I'm just getting the sequence of events.
10 It's clear in your mind they were at the White House?
11 A Yes.
12 Q How did you learn that a decision was made
13 to secure Mr. Foster's office?
14 A I had to notify Special Agent Imbordino and
15 inform him of the investigators not able to get into
16 the office, and he phoned back. I'm not sure -- we
17 should put a fixed post on there.
18 Q You called Mr. Imbordino and said what
19 essentially?
20 A That the investigators were unable to get
21 access to the second floor.
22 Q Did you elaborate, "and they're unhappy

1 about that," or anything to that extent?

2 A I can't recall.

3 Q And the next thing you recall is
4 Mr. Imbordino called you back and said what?

5 A That we should post the uniformed division
6 officer on there.

7 Q Did he say why?

8 A I can't recall.

9 Q What did you do in response to that
10 suggestion by Mr. Imbordino?

11 A I made a determination to put plainclothes
12 officers on there versus uniformed division officers
13 because staff were working up there and I didn't want
14 to insult them in any way.

15 Q How did you go about doing that?

16 A I notified my SOS section, which is --
17 basically they do tours and security at the White
18 House. They wear plain clothes.

19 Q And asked them to send over officers --

20 A Asked them to make out a schedule for me
21 and supply me with several people that could stand
22 post.

1 Q Were you personally responsible for sort of
2 establishing the procedures and the protocols for
3 guarding Mr. Foster's office, or was someone else
4 responsible for that?

5 A After a discussion with Mr. Imbordino, it's
6 fairly simple. The door would be closed and an
7 officer -- plainclothes officer would be posted in
8 the front and nobody would be allowed access into the
9 office.

10 Q Who briefed, if anyone, the officers on
11 this sort of special assignment to guard Mr. Foster's
12 office?

13 A Some of them were briefed as they showed
14 up, so it would be me dropping by, or maybe one of
15 the tour officials that arranged for them to come
16 over.

17 Q If you know, what were the instructions
18 that were given to the officers guarding Mr. Foster's
19 office? You mentioned the door would be closed.
20 Were there any other instructions?

21 A The door would be closed. Nobody would be
22 allowed access.

1 Q No one should go in or out of the office.

2 Is that your understanding?

3 A Yes.

4 Q And, obviously, if no one can go in or out,
5 obviously no one can take out documents or put things
6 in; is that correct?

7 A Yes.

8 Q I take it you yourself did not physically
9 guard the office for any portion of that day; is that
10 right?

11 A No.

12 Q No, that's not right?

13 A No, I didn't physically go up there and
14 stand, but I would drop by on several different
15 occasions during the day to make sure they were in
16 place.

17 Q Did you go up to Mr. Foster's office
18 yourself personally in the morning of the 21st to
19 observe the office or put the officers in place?

20 A Yes, I did.

21 Q When you arrived, was the door to
22 Mr. Foster's office open or closed?

1 A The door was closed.

2 Q Did you open it and look inside?

3 A No, at that time, I posted an officer
4 there.

5 Q Throughout the course of the day, did you
6 personally ever look into Mr. Foster's office?

7 A No.

8 Q In the morning, when you were arranging to
9 have the office guarded, did anyone say to you or
10 imply to you that people had been in Mr. Foster's
11 office the night before?

12 A No.

13 Q Did anyone say or imply to you that no one
14 had been in Mr. Foster's office the night before?

15 A No, that was never brought up.

16 Q The topic of whether or not the office had
17 been entered simply didn't come up?

18 A Yes.

19 Q And you didn't have any understanding one
20 way or the other about whether anybody had been in
21 there?

22 A No, only what I know by our procedure, that

1 we sent people in there in the evening hours.

2 Q And why do you send people in in the
3 evening hours?

4 A Do routine security checks.

5 Q And did you know whether or not that had
6 happened or you just assumed that routine security
7 procedures had been followed?

8 A I didn't know it happened until I asked for
9 an alarm sheet.

10 Q When did you ask for an alarm sheet?

11 A At the request of U.S. Park Police, Officer
12 Markland.

13 Q And do you recall what time of day that
14 was?

15 A Yes, that's when we were initially standing
16 by the desk conversing -- when Officer Abbott
17 approached me, it was about the same time.

18 Q So sometime in the vicinity of 9:00 in the
19 morning, plus or minus a few minutes. Is that
20 accurate?

21 A Yes.

22 Q And Officer Markland asked you to review

1 the alarm log for Mr. Foster's office; is that
2 correct?

3 A He said he'd like a copy of it.

4 Q How did he know that it existed, if you
5 know?

6 A Officer Markland is ex-Secret Service, but
7 I'm not sure if that led him to -- I'm not sure. He
8 just kind of asked for it.

9 Q Did he preface his request by saying is
10 there any record of who entered the office?

11 A He might have said something like that.

12 Q Is it possible you told him there would be
13 an alarm log?

14 A Yes.

15 Q Did you obtain the alarm log and give it to
16 him?

17 A Yes.

18 Q Did you review it with him?

19 A No, I did not.

20 Q Not even to tell him how to read it or
21 anything of that kind?

22 A No.

1 Q Did you review it yourself personally
2 before you gave it to him?

3 A Yes.

4 MR. JOHNSON: I'm going to ask you to take
5 a look at it for us, but let's take a two-minute
6 break, if that's okay.

7 MR. COLE: Yes.

8 (Recess.)

9 BY MR. JOHNSON:

10 Q Before we turn, Mr. Martin, to the alarm
11 logs, let me ask you a couple of questions. The four
12 investigators, two FBI agents and two Park Police
13 officers, I think you testified you put in a room in
14 the Old Executive Office Building; is that correct?

15 A Yes.

16 Q And that was an office of a -- you
17 described the person whose office that was?

18 A That's the office of the branch deputy
19 chief.

20 Q Is that Secret Service?

21 A Yes.

22 Q And that person was out of town?

1 A Yes.

2 Q What's that person's name?

3 A Steve Johnson.

4 Q You don't happen to know where Mr. Johnson
5 was, do you?

6 A I can't recall that.

7 Q Does Mr. Johnson have any responsibility
8 for access to safes or safe combinations in the White
9 House?

10 A Within his office?

11 Q No, sir, within the west wing of the White
12 House.

13 A No.

14 Q Is there someone who you believe does have
15 sort of general responsibility for access to locked
16 safes in the White House?

17 A That are used by White House staff?

18 Q Yes, sir.

19 A I think there would be a separate office to
20 that, which comes under the General Services
21 Administration, GSA.

22 Q You wouldn't have any knowledge about what

1 the name of that person --

2 A No, I wouldn't.

3 MR. JOHNSON: Let me show you the alarm
4 log -- let's call it Deposition Exhibit Number 1,
5 bearing document production number Z000598 -- and ask
6 you to take a look at this document, Mr. Martin.

7 (Deposition Exhibit 1 identified.)

8 BY MR. JOHNSON:

9 Q My question is, is that the alarm log for
10 the White House counsel's suite for the days of July
11 20th, 21st and 22nd of 1993?

12 A Yes, it's a copy of the alarm sheet I gave
13 to Park Police.

14 Q Is that what you think you reviewed that
15 morning of the 21st?

16 A No, sir, I didn't review it the morning of
17 the 21st.

18 Q When did you review this document?

19 A I think it took us about 24 hours to print
20 it out off the computer.

21 Q Detective Markland asked for it that
22 morning, but it took a day or so to get it?

100

1 A It took a day to get it.

2 Q Is it your best guess that you would have
3 gotten it sometime on the 22nd; is that correct?

4 A Yes.

5 Q And did you review it at that time?

6 A Yes.

7 Q Did you notice anything unusual about it?

8 A No.

9 Q Let me take a moment or two and see if I
10 understand what it says. Can you tell from reference
11 to this alarm log what time of day the alarm was set,
12 the alarm was turned on in lay parlance, for the
13 first time?

14 A I can only give you my interpretation, the
15 way I would read this.

16 Q How would you read it?

17 A That the office was opened up -- that's the
18 20th?

19 Q Yes.

20 A At 8:03 in the morning. Should I keep
21 going down?

22 Q It looks as if it remained open during some

1 period of time; is that correct?

2 A It was secured at 20:04, which is 8:00 in
3 the evening, 8:04 in the evening.

4 Q Do I understand correctly, as you read this
5 log, between 8:03 in the morning and 8:04 in the
6 evening, for that 12-hour period of time, -- there
7 would be no record of who went in and out of the
8 White House counsel's office; is that correct?

9 A There would be no Secret Service record,
10 no.

11 Q Would there be any other record that you're
12 aware of?

13 A No, not that I'm aware of.

14 Q Later down on this page, there are a couple
15 of entries that bear the name O'Neill -- still
16 referring to document number 000598. Do you see
17 those entries?

18 A Yes, I do.

19 Q Can you explain what those entries mean to
20 you?

21 A I see an entry with O'Neill's name at
22 22:42. I see another one with O'Neill's name at

1 23:41.

2 Q What do those two things mean to you?

3 A That Officer O'Neill was entering that
4 office.

5 Q That he was entering that office at 10:42
6 in the evening; is that correct?

7 A Yes.

8 Q What does the 23:41 entry mean to you?

9 A It was again, he was putting the alarm in
10 access.

11 Q In lay terms, does this mean the alarm was
12 turned off between roughly 10:42 and 11:41 on the
13 evening of the 20th?

14 A Yes.

15 Q Now, do you have any understanding of why
16 Officer O'Neill would have entered that suite on that
17 evening?

18 A Yes.

19 Q What's your understanding about that?

20 A Officer O'Neill was assigned to a
21 particular post there that's responsible for burn
22 bags, which is secure materials that are meant for

1 disposal that are put in a certain type of bag to be
2 destroyed. It was meant there for burn bag pickup
3 and again, for any escorts, whether it be cleaning or
4 any type of maintenance.

5 Q So your assumption, based upon reading
6 this, is that he went in either to pick up the burn
7 bag or to escort someone else in that office; is that
8 correct?

9 A Yes.

10 Q Does this alarm log show any other entries
11 on that evening?

12 A It shows Officer O'Neill securing it at
13 23:41, a confirmation from control center, which
14 basically just means that they hit a button on the
15 panel to confirm that the alarm was set up at 23:42.

16 Q Then can you tell when the alarm was next
17 turned off in that office?

18 A Well, the alarm was set 23:42 the evening
19 of the 20th according to this chart. It again,
20 sounded the -- I interpreted the sheet as saying the
21 next morning at 07:01 by a staff member.

22 Q Does that mean to you on the morning of the

1 21st, the alarm in the White House counsel's office
2 had been turned off, in lay terms, at 7:01 in the
3 morning?

4 A That means that somebody had entered the
5 office, broken the alarm, contacted the control
6 center and given that name to be put down as a
7 confirmation of that alarm breaking. And basically
8 what the control center would do would be to check an
9 access list with that name on it to make sure that
10 person has authorization to be in there.

11 Q What time of day, Mr. Martin -- I know
12 you've testified to this before -- did you first post
13 Secret Service security outside of Mr. Foster's
14 office?

15 A I couldn't give you a specific time. I
16 think to narrow it down, it probably would have been
17 between 9:00 and 10:00 in the morning.

18 Q Whatever time that would have occurred,
19 9:00 or 10:00 in the morning -- I realize you're
20 estimating -- is it fair to conclude there wouldn't
21 be any Secret Service record of who, if anyone,
22 entered Mr. Foster's office between 7:01 in the

1 morning of July 21st and whenever the guard was
2 posted?

3 A The only confirmation to have somebody in
4 there would be a telephone call from the person that
5 entered the office giving their name.

6 Q And the only one we see there at 7:01 in
7 the morning by the name of someone named Ponn; is
8 that correct?

9 A Yes.

10 Q Who, Mr. Martin, in the White House is most
11 knowledgeable about the procedures that the uniformed
12 division officers follow in accessing alarmed offices
13 in the west wing. Would that be you?

14 A At that time?

15 Q Yes, sir.

16 A At that time I would be the one responsible
17 for knowing everything.

18 Q In your experience, is it unusual that this
19 office was accessed by Officer O'Neill on the evening
20 of the 20th for approximately an hour?

21 A Can we take a look at the times here
22 again? I'm not sure, are you referring to the 20th?

1 Q Yes, sir. I'm referring to the entry on
2 22:42 and the next entry on 23:41.

3 A I don't think I can make that determination
4 without knowing what was going on that night, I mean,
5 whether it would be a cleaning crew in there or
6 somebody painting a wall or whatever else. I just
7 don't know.

8 Q I ask you now about your experience about
9 the procedures that the uniformed division officers
10 follow. Suppose someone like Mr. Nussbaum asked
11 Officer O'Neill to access the office that evening,
12 would Officer O'Neill have done that?

13 A I don't know.

14 Q It's possible?

15 A It's possible, but it confirms that he had
16 a need to be in there, that it was indeed a White
17 House passholder who had authorization to be in there
18 and he probably would have called down to the control
19 center to advise them that there was somebody in
20 there after usual hours and they would be using the
21 office.

22 Q Would you expect that to be reflected on

1 this log?

2 A Yes.

3 Q And you would agree this log doesn't
4 reflect like that, does it?

5 A No, it doesn't.

6 Q Suppose hypothetically that Officer O'Neill
7 had already accessed the office to retrieve a burn
8 bag or allow the cleaning crew access and someone who
9 had authorized access, like a Mr. Nussbaum, came in
10 to the office and asked Officer O'Neill to leave,
11 would Officer O'Neill have left?

12 A I can't answer that accurately.

13 Q There's no way to know whether or not --

14 A I don't know.

15 Q Do you know whether or not Patsy Thomasson
16 had authorized access to the White House counsel's
17 office?

18 A No, I don't know.

19 Q How would you find that out?

20 A I would have to pull for that particular
21 date the access list for that particular day. So if
22 somebody did break the alarm, you can go to that

1 access list to see if they have authorization to be
2 in there.

3 Q And I'd ask the same question with respect
4 to Maggie Williams. I take it you wouldn't know
5 whether or not she was on that access list?

6 A No, I wouldn't.

7 MR. JOHNSON: Off the record for just a
8 second, Julie.

9 (Discussion off the record.)

10 MR. JOHNSON: Let me show you another
11 document, which we'll call Deposition Exhibit Number
12 2, which bears document production number 6256.

13 (Deposition Exhibit 2 identified.)

14 BY MR. JOHNSON:

15 Q Can you tell me, Mr. Martin, what this
16 document is?

17 A It's a copy of the version I supplied Park
18 Police, only with the exception there's some things
19 deleted on here.

20 Q Now --

21 A It's basically that same document.

22 Q But it appears different. It appears to be

1 in a different typeface and has different sorts of
2 descriptions. Can you explain to me how document
3 00058 was created? That's the alarm log we've been
4 previously discussing.

5 A This is the first time I've seen this
6 particular document.

7 Q Is this not the format in which the
8 computer would print out that information?

9 A I'm not sure about that.

10 Q Let me ask you, then, about number 6256. I
11 take it this also is an alarm log?

12 A Yes.

13 Q And this also is an alarm log for the White
14 House counsel's suite; is that correct?

15 A Yes.

16 Q It refers to White House, west wing, second
17 floor, room 208. That's the counsel's suite, is it
18 not?

19 A Yes.

20 Q How was this document created?

21 A This was the document when I requested the
22 control center -- our control center to give me an

1 alarm log of that night to supply to Park Police.

2 Q You think this is a copy of what you
3 actually gave to the Park Police?

4 A With the exception that there had been
5 names and events taken off here -- they've been
6 deleted -- basically that's what you have here. This
7 looks like a cleaner copy that might have come out of
8 a different printer of the same printout.

9 Q In the version that you gave to the Park
10 Police, were the names deleted from that version?

11 A I'm not sure because I didn't deliver it to
12 the Park Police. I delivered it to Paul Imbordino,
13 who in turn gave it to the Park Police.

14 Q But let me just be clear for the record.
15 Document number 6256 is a version of the alarm log
16 that you caused to be generated for the Park Police?

17 A Yes.

18 Q And on the version that I have it's clear
19 to you that certain information has been deleted from
20 that version; is that correct?

21 A Yes.

22 Q And document number 00598 is another alarm

1 log for the White House counsel's office for that
2 same evening; is that correct?

3 A Yes. Can I take another look at it?

4 Q Sure, help yourself. Have you had a chance
5 to review those?

6 A Yes. This looks like a variation of the
7 original sheet and the only difference would be the
8 time of 20:17 for July 21st has been added on here
9 where it's not present on the original one that I
10 gave the Park Police.

11 Q In other words, what you have just done is
12 compare the entries on Exhibit Number 00058 and on
13 Exhibit Number 6256?

14 A Yes.

15 Q And your conclusion is they are the same
16 entries, except that 598 has one more entry than the
17 other?

18 A Yes, and 598 also doesn't have the
19 deletions that apparently have been made on the other
20 document.

21 Q What would explain, Mr. Martin, the
22 apparent difference in print style of the same

1 information between Exhibit Numbers 00598 and Exhibit
2 Number 6256. Do you have any idea?

3 A Maybe using a different computer to get the
4 information out of it.

5 Q Exhibit Number 6256 was generated
6 reasonably contemporaneously with the days in
7 question, I take it?

8 A Yes, it was.

9 Q And is it possible that sometime subsequent
10 to the generation of 6256, that the memory of the
11 computer was downloaded into some other --

12 A It's a possibility.

13 Q Is that one possible explanation?

14 A Yes. The format is slightly different, if
15 you look at the way the dates are printed out on the
16 original printout, 6256, as opposed to the newer
17 printout, 598.

18 Q In the original printout of this, would the
19 information about who accessed the office be in the
20 same format as it appears on 000598?

21 A Yes.

22 Q To the best of your knowledge, it wouldn't

1 contain any more or more detailed information --

2 A No, it wouldn't.

3 Q -- than appears on 598?

4 A No, it would not.

5 Q I think what we may have been talking about
6 before we got off on the alarm logs was securing
7 Mr. Foster's office on the 21st, and you were
8 describing how you had plainclothes officers sent
9 over to secure the office. Do you remember that?

10 A Yes.

11 Q And I think you had told me that it was
12 your understanding that they were not to allow anyone
13 in the office; is that correct?

14 A Other than law enforcement, yes.

15 Q Other than law enforcement. Did you direct
16 them to keep a log of whether or not anyone tried to
17 enter the office?

18 A I can't recall that.

19 Q Do you know, as you sit here today, whether
20 or not anyone did enter that office after the
21 security was posted on that day?

22 A The only person that initially entered the

1 office was a TSD person, a technical security person,
2 to try and do a survey to install the lock, so it was
3 a law enforcement person that actually entered just
4 the outside door, took a look at the door
5 configuration.

6 Q That was later in the evening on the 21st,
7 wasn't it?

8 A I'd say afternoon.

9 MR. JOHNSON: Let me show you what we'll
10 call Deposition Exhibit Number 3, Mr. Martin, which
11 is a document regarding chronology of events and it
12 bears document production numbers 6231, 6232 and
13 6233.

14 (Deposition Exhibit 3 identified.)

15 BY MR. JOHNSON:

16 Q My first question is whether or not you've
17 ever seen this document before?

18 A I've never seen this document.

19 Q Let me ask you to turn to the -- you didn't
20 even see it in your preparation for testifying here
21 today?

22 A No.

1 Q Let me ask you to flip to the last page of
2 that exhibit, which bears document production number
3 6233, and it's a handwritten piece of paper that says
4 "Log of Persons Entering Mr. Foster's Office." I
5 take it you've never seen that before?

6 A I've never seen it, no.

7 Q Do you recognize the handwriting?

8 A No, I don't.

9 Q Did you personally talk with all of the
10 officers who guarded Mr. Foster's office on that day?

11 A As I said earlier, I would drop by and ask
12 them if everything was going all right. I'm not sure
13 if I hit every single officer that was there.

14 Q Whether or not you happened to speak with
15 every single one of them, did any of them tell you
16 that the office had been entered?

17 A I can't recall that.

18 Q Look at the first entry on page 6233, which
19 indicates -- and I'll read it "11:10 A," I assume
20 that to mean a.m. -- "Mr. Nussbaum removed a small
21 black and white photo" and in parentheses after
22 that, it says "(Officer Macon)."

1 Were you aware of that before now that
2 Mr. Nussbaum entered Mr. Foster's office on July 21st
3 to remove a photograph?

4 A No, this is the first time I've seen it.

5 Q First you've heard of it. The information
6 on this log is not something that came from you?

7 A No, it's not.

8 Q And then the next entry says "6:34 P," I
9 presume meaning p.m. -- it says "Cliff Sloan to
10 replace a bag of trash previously taken from
11 Mr. Foster's trash can" and it says "Officer
12 Chinery." Were you aware before just now that
13 Mr. Sloan replaced a bag of trash in Mr. Foster's
14 trash can on the 21st?

15 A No, I was not.

16 Q So I take it it's fair to conclude that
17 this entry on this log indicating at 6:34 Mr. Sloan
18 did replace a bag of trash didn't come from you?

19 A No, it did not.

20 Q To the best of your recollection, in your
21 conversations with the officers guarding the office
22 that day, no one told you of any entries into

1 Mr. Foster's office?

2 A Not that I can recall.

3 Q Let me ask you, if I could, please, to turn
4 to the first page of this deposition exhibit, which
5 bears document production number 6231, and there's an
6 entry at the bottom of this page, and I'll read it
7 for the record. It says "1:10 p.m. Inspector Dennis
8 Martin UD/WHB met the following persons at the
9 southwest gate and escorted them to his office
10 awaiting approval from the Justice Department to
11 proceed to Mr. Foster's office to conduct interviews
12 and a search." It then identifies Captain Hume,
13 Detective Markland, Special Agent Scott Salter and
14 Special Agent John Danna. Do you see that?

15 A Yes.

16 Q Are those the four individuals who you took
17 to the OEOB on the morning of the 21st?

18 A Yes -- with the exception -- I'm not sure
19 who Danna is. It was another FBI agent. I can't
20 recall the name.

21 Q That doesn't refresh your memory?

22 A No.

1 Q This document indicates that you met them
2 at the southwest gate at 1:10 p.m. on the 21st. Is
3 that accurate?

4 A I can't recall meeting them at 1:10.

5 Q Your testimony a little while ago was that
6 you met them in the vicinity of 9:00 in the morning.
7 Is that still your best recollection?

8 A Yes.

9 Q And putting aside for this moment -- do you
10 have any doubt that you met them early in the morning
11 of the 21st?

12 A I have no doubts.

13 Q So based on everything you know -- and
14 you're the one who did it -- this entry is incorrect;
15 is that true?

16 A Not necessarily.

17 Q How could it be correct?

18 A It could be correct in the fact that I'm
19 just looking at the times here. I might have very
20 well went back -- they went out for lunch or went
21 back to their offices and came back and were escorted
22 in a second time.

1 Q Ah, I see. This may be that they went out
2 to lunch and came back to 1:10?

3 A Either that or back to the office
4 headquarters or back with Markland for an autopsy.

5 Q Whether or not that's a correct entry,
6 you're certain they were there early in the morning
7 of the 21st?

8 A Yes.

9 Q And you would agree with me that their
10 arrival on the morning of the 21st is not reflected
11 on this chronology; is that correct?

12 A It's not reflected, no.

13 Q It says at 10:00 a.m. that two members of
14 the U.S. Park Police criminal investigations division
15 were coming to the west wing of the White House to
16 conduct a search of Mr. Foster's office. Do you see
17 that, the first entry?

18 A Yes.

19 Q But according to your testimony, by 10:00
20 a.m. they had been there in the vicinity of an hour;
21 is that correct?

22 A Yes.

1 Q Let me come back to the Park Police
2 officers and FBI agents who were waiting in the
3 OEOB. Did they wait there all day?

4 A When I brought them up to 409 in the OEOB?

5 Q Yes, sir.

6 A I think they waited until probably about
7 lunchtime.

8 Q What happened at lunchtime?

9 A I gave them access to either the OEOB
10 cafeteria or whatever they had to do in their
11 offices.

12 Q Did they come back after lunch?

13 A I can't recall, but after reading the
14 document here, I mean, it's a possibility that they
15 went out and came back and I escorted them back in,
16 yes.

17 Q My questions aren't very clear. I'm not
18 very concerned about whether they left and came
19 back. I'm trying to ascertain whether or not those
20 four agents waited at the White House complex all
21 day.

22 A Yes.

1 Q And when do you recall that they left the
2 White House complex that day?

3 A Later in the afternoon.

4 Q Did you have any further conversations with
5 them throughout the day about whether or not they
6 would be allowed upstairs to Mr. Foster's office?

7 A I had further conversations with them, but
8 it had to do with getting two additional FBI people
9 in.

10 Q Who were the two additional FBI people?

11 A I don't recall their names. I recall their
12 office, FBI legal counsel.

13 Q And there is reference in some of the
14 documentation to some Department of Justice people
15 coming in. Do you think that's a reference to the
16 same people or don't you know?

17 A Where is that referenced at?

18 Q I'm just telling you generally documents in
19 the west wing.

20 A For the same day?

21 Q Yes, sir.

22 A Yes.

1 Q My question really is sometimes, do the
2 Secret Service use the FBI and Justice Department
3 interchangeably?

4 A Yes.

5 Q If you thought you were waiting for two
6 other FBI people, that wouldn't be inconsistent with
7 other people thinking they were waiting for a couple
8 of Department of Justice lawyers?

9 A Right.

10 Q Did the Department of Justice lawyers
11 arrive that day?

12 A Yes.

13 Q Did you meet them?

14 A At the southwest gate, yes.

15 Q You don't recall their names, do you?

16 A No.

17 Q Do you recall whether or not one of them
18 was an attorney by the name of Margolis? Does that
19 ring any bells for you?

20 A The name sounds familiar, but I can't
21 recall if that's the exact person.

22 Q What about an attorney by the name of

1 Adams, does that also sound familiar to you?

2 A No, it doesn't.

3 Q Approximately what time did you meet them
4 at the southwest gate?

5 A I can't recall that.

6 Q Do you recall whether it was before or
7 after lunch?

8 A I'm sure it was after 12:00 noon.

9 Q What did you understand their purpose in
10 coming to the White House complex to be?

11 A To meet with Mr. Nussbaum.

12 Q And did they meet with Mr. Nussbaum, to the
13 best of your knowledge?

14 A I don't know. I know I escorted them up
15 through the southwest gate to the west lobby.

16 Q And did you wait in the west lobby for a
17 further escort to pick them up?

18 A No.

19 Q So you really don't know what happened
20 after you left them in the west lobby on that day; is
21 that correct?

22 A That's correct.

1 Q Coming back to the Park Police and FBI
2 agents who were sitting over near your office, what
3 happened to them?

4 A I can't recall.

5 Q Did you also bring them over to the west
6 lobby to meet with Mr. Nussbaum?

7 A After the morning --

8 Q Yes.

9 A I don't remember coming back into the west
10 wing, no.

11 Q Do you think they sat over in the OEOB for
12 the remainder of the afternoon until they left the
13 White House complex?

14 A Yes. They had use of a telephone and
15 another center for several hours.

16 Q Do you have any idea what time they
17 actually left?

18 A I can't recall.

19 Q Do you know whether or not they were
20 granted access to Mr. Foster's office on July 21st?

21 A The impression I -- no, they were not
22 granted access.

- 1 Q What's the basis of your impression?
 2 A Because they came back the next day.
 3 Q On the 21st when they left, were they angry
 4 or frustrated or annoyed? Did you see any further
 5 expressions of frustration?
 6 A I can't recall.
 7 Q I take it, Mr. Martin, that you did not
 8 personally attend any meeting with Mr. Nussbaum or
 9 anyone else on the topic of access to Mr. Foster's
 10 office?
 11 A No, I did not.
 12 Q Just to be clear -- I think I know the
 13 answers -- you didn't attend a meeting with Chief
 14 Langston that morning on the 21st and members of the
 15 White House staff, did you?
 16 A No, I did not.
 17 Q Did you attend any meetings with anyone on
 18 that day on the topic of Mr. Foster's death or access
 19 to Mr. Foster's office?
 20 A No.
 21 Q And then I take it later in the day or
 22 later in the afternoon a decision was made to place a

- 1 lock on Mr. Foster's office; is that correct?
 2 A Yes.
 3 Q Did you play any part in that decision?
 4 A No, that was being coordinated through Paul
 5 Imbordino and Don Flynn.
 6 Q What, if anything, did you do in connection
 7 with getting a lock placed on Mr. Foster's office?
 8 A I ensured Paul Imbordino and Don Flynn that
 9 I would take care of providing post standards to
 10 cover that area and said they could take care of it.
 11 Q Did you go up there periodically through
 12 the day?
 13 A Up until about 4:00 or 5:00, yes.
 14 Q What time did you go home on that day?
 15 A Probably about 5:00.
 16 Q And at some point in time when you were up
 17 there, did you observe the President in the White
 18 House counsel's office?
 19 A Earlier in the day I did.
 20 Q You don't have any idea about what time
 21 that was, do you?
 22 A I can't recall. I think it was before 2:00

1 or 3:00 in the afternoon.

2 Q Without revealing any of the content of the
3 President's conversations, could you just say
4 generally whether or not you overheard any
5 conversations he may have had in the White House
6 counsel's office?

7 A No, I didn't overhear any conversation.

8 Q After you left the White House on the late
9 afternoon of the 21st, I take it in that evening, you
10 didn't have any further contact with the White House
11 regarding Mr. Foster or any other contact?

12 A I can't recall. I could have gotten a call
13 from Paul Imbordino saying hey, Park Police or FBI at
14 the gate, could you meet them the next day.

15 Q You just don't know whether --

16 A I can't recall.

17 Q And then what happened on the 22nd when you
18 returned to work at the White House?

19 A It was almost the same procedure. I went
20 down to the southwest gate. I can't recall the exact
21 time, but it seemed a little bit later than the day
22 before, and I facilitated getting Park Police and the

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1 FBI agents in once again, at which time I ran into
2 Paul Imbordino on West Exec and gave him custody of
3 the officials, let him handle it from there.

4 Q Did you have any conversations with the
5 Park Police or the FBI other than normal good
6 morning, nice to see you again kind of cordial
7 exchanges?

8 A No, I can't recall any.

9 Q How long would you say you were in their
10 presence on the morning of the 22nd?

11 A Less than 3 minutes.

12 Q There was a search of Mr. Foster's office
13 that took place in the early afternoon of the 22nd.
14 Were you aware of that?

15 A I heard rumors from people about it.

16 Q And what sort of rumors did you hear?

17 A That the team, the investigation team
18 finally got up on the second floor.

19 Q You think it was expressed to you in that
20 way, that they finally got up there?

21 A By post team officers, yes.

22 Q Sort of humorously, maybe?

1 A Yes.

2 Q Making fun how long it took to get access?

3 A Yes.

4 Q Did it strike you as an unusual amount of
5 time to get access to Mr. Foster's office?

6 A Yes.

7 Q This is what gave rise to your suspicion
8 that you testified about this morning that maybe
9 something had been removed from that office, the
10 delay and access by the investigators?

11 MR. COLE: I would note for the record that
12 my recollection of his testimony this morning was not
13 that he was suspicious that something had been
14 removed from the office, but it was suspicious that
15 Mr. Livingstone had been reported to have carried a
16 box down at that time in the morning. I'm sure the
17 record says what it says, but I wanted to note that.

18 MR. JOHNSON: That's a good point.

19 BY MR. JOHNSON:

20 Q Did you become suspicious that something
21 had been removed from Mr. Foster's office?

22 A Based on what my officer told me, yes.

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1 Q And part of the basis for that suspicion
2 was the delay -- the inordinate amount of time it
3 took for the investigators to get access to that
4 office; am I right on that?

5 A Yes.

6 Q Part of the suspicion was the fact that
7 Officer Abbott had told you he had seen Livingstone
8 very early in the morning carrying boxes in the west
9 wing?

10 A Yes.

11 Q Is there anything else that contributes to
12 your suspicion that documents may have been removed
13 from Mr. Foster's office?

14 A No.

15 Q I take it, Mr. Martin, that you did not
16 personally attend the search that took place in
17 Mr. Foster's office in the early afternoon of the
18 22nd?

19 A No, I did not.

20 Q Did you have any conversations with anyone
21 about that search -- strike that.

22 I know you've testified that you heard

1 rumors that they had finally gotten up there. Other
2 than those rumors, did you have any conversation with
3 anyone about how the search was conducted?

4 A None that I can recall.

5 Q No one complained to you, for example, that
6 they weren't allowed to see any documents or anything
7 of that kind?

8 A None that I can recall.

9 Q After the search on the 22nd, what, if any,
10 involvement did you have in the investigation into
11 Mr. Foster's death or the handling of the documents
12 and securing of Mr. Foster's office?

13 A None. After the lock was placed on the
14 door, which I guess was the evening of the 21st, the
15 role of the uniformed division greatly diminished.
16 We went back to regular business.

17 Q Did there come a time a few days later that
18 you became aware that a handwritten note, sometimes
19 referred to by the press as a suicide note, had been
20 found that had previously not been discovered?

21 A No.

22 Q Before I said that just now, did you know

1 that?

2 A Only what I read in the paper.

3 Q Your only basis of information is press
4 reports?

5 A Yes.

6 Q And you've testified this morning that from
7 time to time, after July 22nd, you spoke with
8 Mr. Abbott about various press reports?

9 A Yes.

10 Q And you've described a telephone
11 conversation that you received at your home from
12 Mr. Livingstone sometime between February and May of
13 1994 relating to the Foster documents; is that
14 correct?

15 A No, it wasn't relating to the documents.
16 It was relating to the identity of an officer who had
17 observed him, maybe, carrying some documents.

18 Q I understand. I didn't mean to imply that
19 Mr. Livingstone had said anything about carrying any
20 documents. He called you in your home to ask who saw
21 him in the west wing that morning. Is that a fair
22 statement?

1 A Yes.

2 Q And you also testified from time to time
3 you had conversations with Paul Imbordino about press
4 reports and about the telephone call with
5 Mr. Livingstone; is that right?

6 A Yes. The telephone call with
7 Mr. Livingstone I reported to Paul Imbordino the
8 day -- or within 24 hours after it took place, and
9 that was the extent of that. It was never discussed
10 again.

11 Q The other conversations you had with
12 Mr. Imbordino were about press reports and the
13 identity of Officer Abbott; is that correct?

14 A Yes.

15 Q The reason I've said all of these things in
16 this way, Mr. Martin, was to refresh my memory, if
17 not yours, because I want to ask you if there's
18 anything else that relates to Mr. Foster's death, the
19 securing of his office, the handling of his
20 documents, Mr. Abbott's observation,
21 Mr. Livingstone's telephone call or anything else
22 that we should be discussing that I have not asked

1 you about?

2 A Only if I could -- can I talk to my
3 legal --

4 Q Oh, please.

5 (Witness conferred with counsel.)

6 MR. JOHNSON:

7 Q I think there was a question pending, which
8 was a long one, so I'm hoping you remember it.

9 A I think you had asked me if there was
10 anything else that might have come to light.

11 Q Yes, sir.

12 A There was one request by Mr. Livingstone.

13 Q What was that?

14 A I'm not sure of the time period. I'm not
15 sure if it was made the day after or a few days
16 after. It had to do with Mr. Foster's vehicle.

17 Q What was that request?

18 A Would there be a place where he could have
19 it brought over and parked for storage for a short
20 period of time.

21 Q Mr. Livingstone called you and asked
22 whether there was a place to store Mr. Foster's

1 vehicle?

2 A Yes.

3 Q Where was Mr. Foster's vehicle?

4 A I don't know where it was, but I know -- I
5 made a recommendation that once it was picked up, he
6 could probably park it in the new executive office
7 building. They have a basement garage there where he
8 could store it for a few days.

9 Q I think you said this was a few days
10 after. Do you mean a few days after Mr. Foster's
11 death that Mr. Livingstone called you?

12 A Yes.

13 Q Were you aware that Mr. Foster's car --
14 strike that.

15 Is it your understanding that Mr. Foster's
16 car had been within the White House complex since the
17 day of his death?

18 A Yes. I'm sorry. Can you repeat that
19 question?

20 Q It was terrible. I apologize. Is it your
21 understanding that Mr. Foster's car had remained in
22 the White House complex since the day of his death,

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1 at the time of this telephone call -- strike that
2 just tired. That's all. Let me try again, Julie.
3 I'm sorry.

4 You testified that Mr. Livingstone called
5 you a few days after Mr. Foster's death; is that
6 correct?

7 A Yes.

8 Q And his question related to whether there
9 was a place that Mr. Foster's car could be stored?

10 A Yes.

11 Q Was it your understanding at that time that
12 Mr. Foster's car had been in the White House complex
13 since the time of his death?

14 A I was left with the impression that the
15 vehicle was outside the complex, maybe stored at a
16 facility someplace else. It wasn't within the White
17 House grounds on West Executive Avenue.

18 Q Why did you have that impression?

19 A Because he wanted to bring it into the
20 complex. He wanted to bring it in to some storage,
21 whether it be west executive office or the new
22 executive office building.

1 Q And obviously, if it had a parking place on
2 West Executive Avenue, there wouldn't be a need for a
3 different storage spot?

4 A No, I think if I can clarify it a little
5 bit, Mr. Foster did have an assigned parking spot on
6 West Executive Avenue, and the vehicle wasn't in the
7 complex. When Mr. Livingstone called me a few days
8 later, he was asking me if he could bring the vehicle
9 into the complex and where a good place would be to
10 store it.

11 (Witness conferred with counsel.)

12 THE WITNESS: The vehicle in question is
13 the vehicle that Mr. Foster used when he drove out to
14 Fort Marcy Park.

15 BY MR. JOHNSON:

16 Q In whose possession had the vehicle been
17 discovered when it was discovered at Fort Marcy Park?

18 A I don't know.

19 Q Do you know whether it had been in
20 Mr. Livingstone's possession?

21 A I don't know.'

22 Q Do you know whether or not the vehicle had

1 been searched by Park Police or FBI agents?

2 A I'm not sure about that.

3 Q Did Mr. Livingstone say whether or not he
4 had searched the contents of the vehicle?

5 A No.

6 Q You just don't have any idea one way or the
7 other about that?

8 A No.

9 Q Let me show you a document which we've
10 previously attempted to identify. The document
11 number is illegible. We've guessed for the record
12 that it bears document production number 168, but
13 it's a handwritten piece of paper bearing the names
14 of some individuals, and I'd like to direct your
15 attention to the entry that says "Don Flynn 395-4112"
16 and beside that it says "will try to see if we know
17 what car was brought up in the morning." Do you have
18 any understanding, Mr. Martin, about what that refers
19 to?

20 A No, I don't.

21 Q And it doesn't, in your mind, necessarily
22 refer to Mr. Foster's car or any movement of

1 Mr. Foster's car?
2 A No.
3 Q 395-4112, is that Mr. Flynn's telephone
4 number?
5 A Can I take a --
6 Q Sure, I'm sorry.
7 A The 395 I recognize. I don't recognize
8 4112. It's within the White House complex. I can
9 tell you that much. It's a Secret Service number.
10 Q Are you also reachable on that number?
11 A No.
12 Q Now, this last bit of information having to
13 do with the movement of Mr. Foster's car by
14 Mr. Livingstone, did you have any understanding of
15 why it was Mr. Livingstone who was assuming
16 responsibility for the placement of Mr. Foster's car?
17 A Only my own impression.
18 Q And what's your own impression?
19 A That he was trying to assist the family in
20 some way.
21 Q And we ended up in the dialogue about
22 Mr. Foster's automobile in response to my question of

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1 is there anything else that we haven't talked about.
2 I thank you for offering that. Let me ask it again.
3 Is there anything else now that we haven't talked
4 about?
5 A I think that's all I can recall.
6 Q I just have a couple of detailed type
7 questions that really don't relate to the chronology
8 that we've been going through. Where is
9 Mr. Livingstone's office physically located?
10 A I can't recall the exact room number, but
11 it's located on the ground floor of the Old Executive
12 Office Building directly across from the west
13 basement of the White House.
14 Q And he doesn't have an office in the west
15 wing, I take it, or did not in July of 1993 have an
16 office in the west wing?
17 A No, he did not.
18 Q What did you understand in July of 1993
19 David Watkins's responsibilities to be, if you had an
20 understanding?
21 A I considered him as one of the chiefs of
22 staff for the President for the west wing.

1 Q Do you have any more detailed understanding
2 of his job responsibilities?

3 A No, I don't.

4 Q I think I asked you earlier whether you
5 were the person most knowledgeable about uniformed
6 division officers' procedures in the west wing. You
7 said in July of 1993 you probably were. When trash
8 was removed from west wing offices, do uniformed
9 division officers review that trash in any way? Do
10 they go through it?

11 A Regular garbage?

12 Q Regular garbage.

13 A No, they don't -- well, let me put it a
14 little caveat on that. Occasionally they might look
15 in there to see if any classified material is being
16 thrown in there.

17 Q Kind of a spot-check?

18 A Yes, security.

19 Q They don't routinely examine the paper
20 trash that's removed?

21 A No.

22 Q What physically happens to it? Where does

1 it go?

2 A There is a dumpster in the -- at that time
3 there was a dumpster in the north court of the Old
4 Executive Office Building, but it was a main
5 dumpster.

6 Q Is that dumpster emptied every day?

7 A I don't know.

8 Q Tell me a little bit about burn bags. Do
9 you have personal knowledge in July of 1993 before
10 Mr. Foster's death whether he kept a burn bag
11 physically in his office?

12 A I don't know if he kept one in his office.

13 Q What is the general procedure for handling
14 burn bags? I take it the uniformed officers remove
15 them; is that correct?

16 A Depending on your location.

17 Q Let's take the White House counsel's
18 suite.

19 A Yes. They would be removed once a day.

20 Q Where are they removed to?

21 A The burn bag itself -- just to make it a
22 little bit clearer, if the bag is still usable and it

1 only has a few articles in it, they might transfer it
2 to another burn bag, put the original burn bag back
3 to empty it.

4 Q Just to save the bag?

5 A Just to save the bag. From there, the
6 officer picks it up, would bring it over to a secure
7 room in the Old Executive Office Building.

8 Q What happens to it there?

9 A It's secured in an alarmed room and there's
10 a staff of GSA people that have clearance and their
11 job is to macerate it, to destroy it.

12 Q If a person wanted to retrieve documents
13 that had been taken back in a burn bag from an office
14 in the west wing, would it be possible to do that?

15 A I don't know.

16 Q Just a brief follow-up to that,
17 Mr. Martin. Patsy Thomasson, do you have any
18 understanding of what her job responsibilities were?

19 A At the time when I was down there?

20 Q Yes.

21 A She was Craig Livingstone's boss and her
22 job -- I took it as sort of facilities management of

1 the operation, where it would be appointments coming
2 into the White House where they went smoothly and
3 everybody got on. And she monitored -- in fact, she
4 showed up at several events, including some Christmas
5 events we had where we had trouble where staff
6 weren't properly clearing people in. And we have,
7 say, a group of 100 people coming into the White
8 House who weren't cleared, Patsy would come out there
9 and monitor it and say hey, how can we do a better
10 job in getting these people cleared.

11 Q Did Mr. Livingstone report directly to
12 Ms. Thomasson?

13 A That's the impression I had.

14 Q You had that impression based on
15 conversations with Mr. Livingstone?

16 A Yes.

17 Q Did he regard Ms. Thomasson as his boss?

18 A Yes.

19 Q Did he say that to you?

20 A Yes.

21 Q Just another detail. Let me take you back
22 to the evening of July 20th, and you stated, I think,

1 that you called Mr. Livingstone on that evening, is
2 that correct, to inform him about Vince Foster's
3 death?

4 A I made contact with him. I don't think I
5 called him direct. I think I had to go through the
6 White House operator in some fashion.

7 Q And are you reasonably certain that when
8 you called Mr. Livingstone, he was in his car?

9 A Yes.

10 Q And just to be clear about that, you're
11 certain about that because he said he was in his car?

12 A Yes.

13 (Pause.)

14 MR. JOHNSON: Mr. Martin, thank you very
15 much. You've been very patient. I know Mr. Cole may
16 have some questions for you, but let me personally
17 thank you for your helpfulness and your patience.
18 When Mr. Cole is finished, I'll say just a word about
19 confidentiality, and I think he'll join with me, but
20 we're finished.

21 MR. COLE: Could we take a short break
22 while I consult with my colleague here?

1 MR. JOHNSON: Sure.

2 (Recess.)

3 EXAMINATION

4 BY MR. COLE:

5 Q Mr. Martin, what I'd like to do is ask you
6 a few follow-up questions to some of the areas that
7 Mr. Martin already covered. In doing that, it will
8 be necessary to some extent for me to go back and
9 restate your prior testimony just to ask my
10 question. If in doing that I don't accurately state
11 your prior testimony, please let me know so we have
12 an accurate record here.

13 A Okay.

14 Q First I'd like to return to the testimony
15 that you gave about your subsequent conversations
16 with Officers Abbott and Imbordino about the report
17 that you had received from Officer Abbott that
18 Mr. Livingstone had carried a box or boxes of
19 documents down into the basement of the west wing on
20 the morning of July 21st. Do you recall that
21 testimony?

22 A Yes.

1 Q You testified that subsequent to that time,
2 you had discussions with both Abbott and Imbordino
3 when items appeared in the newspaper concerning that
4 event; is that correct?

5 A Yes.

6 Q And then you also testified about an
7 instance sometime after February 1994 when you
8 received a telephone call at home on a Sunday
9 afternoon from Mr. Livingstone?

10 A Yes.

11 Q Do you recall whether the time that you
12 received the telephone call from Mr. Livingstone was
13 at or about the time of those newspaper articles?

14 A I can't recall the articles. I can't
15 recall.

16 Q So you can't say whether there was any
17 connection between that call and the newspaper
18 articles about that subject that occurred?

19 A No, I can't.

20 Q And you can't say one way or another
21 whether there was or was not. You just don't have a
22 recollection?

1 A I don't have a recollection when those
2 articles came out.

3 Q Can you place in time the call from
4 Mr. Livingstone in relationship to the discussions
5 with Abbott or Imbordino?

6 A No, not really. I know there were calls
7 made after that.

8 Q Do you know that there were calls made --

9 A By Officer Abbott after the discussion with
10 Craig Livingstone, yes.

11 Q Can you recall whether there were any calls
12 between yourself and either Officer Abbott or Officer
13 Imbordino before the telephone conversation with
14 Mr. Livingstone?

15 A I can recall one from Officer Abbott before
16 February 1984. I can recall one.

17 Q February 1994?

18 A Yes, 1994, I'm sorry.

19 Q Can you tell us what you recall about that?

20 A His concern of not having his name in the
21 paper or any official reports.

22 Q And do you recall whether he called you or

1 you called him?

2 A He called me.

3 Q And can you recall what prompted that
4 telephone call from Mr. Abbott?

5 A Probably -- I think it was a newspaper
6 article.

7 Q So your best recollection is that there had
8 been a newspaper article that mentioned the incident
9 of Mr. Livingstone carrying down a box of documents
10 that prompted Mr. Abbott to call you?

11 A I'm not sure if it mentioned him carrying
12 documents, but it mentioned the suicide and the note
13 being found a few weeks after the suicide.

14 Q And I believe you testified that you
15 reported the telephone call from Mr. Livingstone to
16 your superiors?

17 A Yes.

18 Q And did you have any discussions with
19 either Officer Abbott or Officer Imbordino about that
20 telephone call?

21 A I had one with Special Agent Paul
22 Imbordino, yes.

1 Q He was one of the persons you reported it
2 to?

3 A Yes.

4 Q Switching to a different point in time, you
5 testified, I believe, that when Officer Abbott report
6 to you on the morning of the 21st, that
7 Mr. Livingstone had carried boxes of documents down,
8 that you were not suspicious immediately, but your
9 suspicions were aroused at a later point in time?

10 A Yes.

11 Q And can you explain what caused you to
12 become suspicious?

13 A The fact that the FBI and the Park Police
14 were not allowed immediate access to the office, to
15 Mr. Foster's office.

16 Q Did you have any source of information
17 other than the report from Officer Abbott concerning
18 Mr. Livingstone's carrying down a box of documents?

19 A Did I have any other source of information
20 telling me that might have occurred?

21 Q Yes, correct.

22 A No.

1 Q So to ask the same question a different
2 way, you only knew what had been reported to you by
3 Officer Abbott?

4 A Yes.

5 Q Did anything in his report give you reason
6 to believe that the documents came from Mr. Foster's
7 office? I should say the boxes because I believe you
8 testified he was carrying boxes.

9 A There was no definite proof, no.

10 Q Was there anything in his report that told
11 you what was in the boxes?

12 A Can I clarify something?

13 Q Of course.

14 A You keep using the term "report."

15 Q Conversation.

16 A It was a conversation more than a report.

17 Q I was using the word report to refer to
18 that conversation.

19 A Okay. Could you repeat that again.

20 Q Yes. My question was, was there anything
21 in your conversation with Officer Abbott that told
22 you of the contents of the boxes?

1 A No.

2 Q So you were only told that Mr. Livingstone
3 was carrying boxes down from the upper floors of the
4 west wing?

5 A Yes.

6 Q Was there anything in your discussion with
7 Mr. Abbott that would have led you to believe those
8 documents came from the White House counsel's office?

9 A Only suspicions -- it appears that Officer
10 Abbott was suspicious.

11 Q Was there anything in his report that would
12 tell you whether those boxes came from the second
13 floor of the west wing?

14 A No, it was speculation. It was only
15 speculation.

16 Q I just wanted to be sure that I understood
17 your prior testimony, that Officer Abbott's post was
18 in the basement, and therefore, both the second and
19 first floors were above his post?

20 A Yes.

21 Q Is it possible the boxes could have come
22 from the first floor of the west wing?

1 A That's a possibility, yes.

2 Q And about how many offices are on the first
3 floor of the west wing at that time?

4 A Could you repeat that. I'm not sure if you
5 said offices --

6 Q Approximately how many offices?

7 A On the first floor? I'd say between
8 secretaries and the main offices on the first floor,
9 maybe -- I'd rather not answer that question right
10 now because that has to do with some White House
11 security issues.

12 (Witness conferred with counsel.)

13 THE WITNESS: My concern is the area of the
14 office.

15 BY MR. COLE:

16 Q Perhaps I can ask it in a different way.
17 Are there many offices on the first floor of the west
18 wing?

19 A Yes.

20 MR. FOLEY: Can we go off the record for a
21 second.

22 (Discussion off the record.)

1 THE WITNESS: At least 20 offices are
2 located on the first floor.

3 BY MR. COLE:

4 Q How many offices are located on the second
5 floor of the west wing?

6 A I'd be giving you a guess. I'd say
7 approximately the same.

8 Q Other than what you've already testified
9 to, was there anything that Officer Abbott told you
10 that would have indicated where the boxes
11 Mr. Livingstone was carrying came from?

12 A No.

13 Q Do you recall whether Officer Abbott told
14 you that Mr. Livingstone came down the stairs or down
15 the elevator?

16 A I can't recall which.

17 Q And am I recalling your prior testimony
18 correctly that Officer Abbott reported to you that
19 there was another person with Mr. Livingstone when he
20 came down the stairs?

21 A Yes.

22 Q Did Officer Abbott tell you who was

1 carrying the boxes physically?

2 A I can't recall.

3 Q Did he tell you how many boxes there were?

4 A I can't recall that.

5 Q And did he tell you anything that would
6 have informed you as to the content of the boxes?

7 A No, he didn't.

8 Q Is there anything else you can recall about
9 what you were told by Mr. Abbott other than what
10 you've previously testified to?

11 A Only -- I think I testified earlier that he
12 exited the basement doors of the west exec. Bruce
13 Abbott told me he had exited the doors of the west
14 exec with the boxes.

15 Q Did he tell you how many boxes?

16 A No, he did not.

17 Q Moving forward in time to the following
18 day, to July 21st when you escorted the investigators
19 from the Park Police and the FBI into the White House
20 complex in the morning, I believe you testified that
21 Mr. Nussbaum came down to meet the investigators
22 initially; is that correct?

1 A Yes, there was a point where he did come
2 down.

3 Q Tell us what you observed when he came down
4 to meet them.

5 A He stood in the area of the security desk.
6 There's a door for the situation room but there's a
7 Secret Service uniformed division post where Bruce
8 Abbott would sit. He came directly to the front of
9 Officer Abbott's desk and spoke to the two agents.

10 Q Could you observe Mr. Nussbaum's demeanor
11 during that discussion?

12 A From where I was standing, I couldn't hear
13 him, but I could tell he was talking to them. He
14 seemed just factual about some things. He wasn't
15 aggravated or mad or anything.

16 Q That was going to be my next question,
17 whether he appeared excited or agitated?

18 A No, he appeared to be telling them what the
19 procedures were. I did not hear any conversation.

20 Q Did he raise his voice with them?

21 A Not that I can recall.

22 MR. COLE: That may be all I have. Let's

1 take a break for a moment. Let me look at my notes.

2 (Discussion off the record.)

3 MR. COLE: We don't have any further
4 questions at this time. Thank you very much,
5 Mr. Martin.

6 MR. JOHNSON: Thank you very much,
7 Mr. Martin, for all of your patience today. I know
8 Mr. Cole will join me in my request that you maintain
9 the confidentiality of this discussion and our
10 request is that you do not discuss it with anyone at
11 all. Thank you, sir.


12 (Whereupon, at 6:00 p.m., the deposition
13 was concluded.)

14 -----
15
16 DENNIS S. MARTIN
17
18
19
20
21
22

CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.


Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

7/20/93	08:03	561	WW	2ND	FL	RM.208	CASTLE	SECURE ALARM
	08:03	561	WW	2ND	FL	RM.208	CONTROL CENTER 1	ACCESS SET
	20:04	561	WW	2ND	FL	RM.208	CASTLETON	ACCESS ALARM
	20:04	561	WW	2ND	FL	RM.208	CASTLETON	SECURE ALARM
	21:14	561	WW	2ND	FL	RM.208	CONTROL CENTER 1	SECURE RESET
	22:42	561	WW	2ND	FL	RM.208	O'NEILL	SECURE ALARM
	22:42	561	WW	2ND	FL	RM.208	CONTROL CENTER 1	ACCESS SET
	23:41	561	WW	2ND	FL	RM.208	O'NEILL	ACCESS ALARM
	23:41	561	WW	2ND	FL	RM.208	O'NEILL	SECURE ALARM
	23:42	561	WW	2ND	FL	RM.208	CONTROL CENTER 1	SECURE RESET
7/21/93	07:01	561	WW	2ND	FL	RM.208	PCNN	SECURE ALARM
	07:01	561	WW	2ND	FL	RM.208	CONTROL CENTER 1	ACCESS SET
	11:20	561	WW	2ND	FL	RM.208	CONTROL CENTER TEST	SECURE ALARM
	11:20	561	WW	2ND	FL	RM.208	CONTROL CENTER	ACCESS RESET
	11:20	561	WW	2ND	FL	RM.208	CONTROL CENTER TEST	ACCESS ALARM
	20:17	561	WW	2ND	FL	RM.208	CONTROL CENTER 1	TAMPER ALARM

7/22-26/93 NO ALARM ACTIVITY

2 000598

DATE: 07/21/93

ON-LINE ACTIVITY REPORT

PAGE NO. 1

OPERATION PARAMETERS

STARTING DATE AND TIME: 07/20/93

EVENT PRIORITY: ALL EVENTS

EVENT CLASS: INTRUSION DETECTION EVENTS

OTHER CRITERIA: SELECTED ZONE: 561

DATE	TIME	NO.	ZONE DESCRIPTION	ENTRY/OPERATOR NAME	EVENT
07/20/93	08:03	561	CV-280 FL RA-200	KANSSRAH'S OFFICE	
07/20/93	08:07	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/20/93	08:08	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/20/93	08:08	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/20/93	08:14	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/20/93	08:42	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/20/93	08:42	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/20/93	08:43	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/20/93	08:44	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/20/93	08:42	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/21/93	07:01	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/21/93	07:02	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/21/93	11:20	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/21/93	11:20	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	
07/21/93	11:20	561	CV 280 FL RA. 200	KANSSRAH'S OFFICE	

7-21-93

TREASURY

17
B256

CHRONOLOGY OF EVENTS
REGARDING
THE SUICIDE OF MR. VINCENT FOSTER,
DEPUTY CHIEF, WHITE HOUSE LEGAL COUNSEL

ON JULY 21, 1993, ATSAIC DONALD A. FLYNN OF THE PRESIDENTIAL PROTECTIVE DIVISION, ACTING IN THE CAPACITY OF THE WHITE HOUSE SECURITY COORDINATOR BECAME INVOLVED IN THE SUICIDE INVESTIGATION OF THE ABOVE CAPTIONED SUBJECT. THE FOLLOWING IS A CHRONOLOGICAL SEQUENCE OF THE ACTIVITIES, ACTIONS, AND SUPPORT UNDERTAKEN AND PROVIDED BY THE SECRET SERVICE:

WEDNESDAY, JULY 21, 1993

10:00 AM ATSAIC FLYNN WAS INFORMED BY ASAIC PAUL IMBORDINO THAT TWO MEMBERS OF THE U.S. PARK POLICE (USPP) CRIMINAL INVESTIGATIONS DIVISION WERE COMING TO THE WEST WING OF THE WHITE HOUSE TO CONDUCT A SEARCH OF MR. FOSTER'S OFFICE IN AN EFFORT TO LOCATE A SUICIDE NOTE OR OTHER PERTINENT INFORMATION REVEALING A MOTIVE AS TO WHAT MAY HAVE PROVOKED HIM TO TAKE HIS OWN LIFE.

IMMEDIATELY THEREAFTER, ATSAIC FLYNN WAS INFORMED BY DSAIC DAVID CARPENTER THAT DIRECTOR MAGAW'S OFFICE HAD RECEIVED A TELEPHONE CALL FROM MS. LINDA TRIPP, A STAFF ASSISTANT IN THE OFFICE OF WHITE HOUSE LEGAL COUNSEL REQUESTING ASSISTANCE IN SECURING MR. FOSTER'S OFFICE.

10:20 AM ATSAIC FLYNN ASSUMED A SECURITY POST ON MR. FOSTER'S OFFICE. A REQUEST WAS MADE OF INSPECTOR DENNIS MARTIN UD/WHB TO PROVIDE OFFICERS TO MAINTAIN SECURITY OF THE OFFICE SPACE.

11:05 AM OFFICER MICHELLE MACON RELIEVED ATSAIC FLYNN AND WAS INSTRUCTED TO MAINTAIN A LOG OF ANY PERSONS ENTERING THE OFFICE, TO OBSERVE THEIR ACTIONS, AND NOT TO PERMIT THE REMOVAL OF ITEMS.

THE FOLLOWING UNIFORMED DIVISION OFFICERS ASSISTED WITH THIS SECURITY ASSIGNMENT:

JOE PHILLIPS
JIM YOUNG
ROBERT POIK
ROBERT ALMASY
BRENT CHINERY

1:10 PM INSPECTOR DENNIS MARTIN UD/WHB MET THE FOLLOWING

PERSONS AT THE SOUTHWEST GATE, AND ESCORTED THEM TO HIS OFFICE AWAITING APPROVAL FROM THE JUSTICE DEPARTMENT TO PROCEED TO MR. FOSTER'S OFFICE TO CONDUCT INTERVIEWS AND A SEARCH.

CAPTAIN CHARLES HUME (USPP)
 DET. PETE MARKLAND (USPP)
 SA SCOTT SALTER (FBI)
 SA JOHN DANNA (FBI)

4:40 PM JUSTICE DEPARTMENT REPRESENTATIVES DAVID MARGOLIS AND ROGER ADAMS ARRIVED AT THE WEST WING OFFICE OF MR. NUSSBAUM TO DISCUSS THE FORMAT AND RESTRICTIONS TO BE APPLIED FOR THE SEARCH OF MR. FOSTER'S OFFICE.

MR. NUSSBAUM ANNOUNCED THAT THE SEARCH WOULD BE CONDUCTED ON JULY 22, 1993, AND THAT PER MR. RONALD NOBLE, THE ASSISTANT SECRETARY OF THE TREASURY IN CHARGE OF LAW ENFORCEMENT AND DIRECTOR JOHN MAGAW OF THE SECRET SERVICE, A ONE-OF-A-KIND LOCK WOULD BE PLACED ON THE OFFICE DOOR WITH THE ONLY KEY TO BE MAINTAINED BY ATSAIC FLYNN.

8:02 PM ATSAIC FLYNN RELIEVED THE UNIFORMED OFFICER CONTROLLING THE OFFICE DOOR. SS KEVIN ROBBINS AND MR. KENNETH BLAIR COMMENCED TO INSTALL THE AFOREMENTIONED LOCK AT THAT TIME.

10:32 PM THE LOCK INSTALLATION WAS COMPLETED AND THE DOOR SECURED BY ATSAIC FLYNN.

THURSDAY JULY 22, 1993

1:15 PM AT MR. NUSSBAUM'S REQUEST, ATSAIC FLYNN UNLOCKED MR. FOSTER'S OFFICE AND A SEARCH COMMENCED.

2:49 PM THE REVIEW WAS COMPLETED, AND MR. NUSSBAUM ADVISED THAT THE REQUIREMENT TO KEEP THE OFFICE SECURE WAS BEING REMOVED, AND OUR ASSISTANCE WAS NO LONGER NEEDED. THE KEYS TO THE LOCK WERE THEN GIVEN TO MR. NUSSBAUM BY ATSAIC FLYNN.

COMMUNICATION RECORD

Log of Persons entering Mr. Finner's office

Wednesday July 21st 1992

- 11:10A Mr. Nussbaum Received a small piece from (see memo)
 11:15P Cliff Sloan to replace a box of trash previously taken from Mr. Finner
 Trash can (see memo)
 8:00P Kevin Pabian, Kenneth Allen to place the lock on the door to
 Finner's office (see memo)
 10:15P Lock installed. Door secured by Finner

Thursday July 22nd 1992

- 11:00P Mr. Nussbaum spoke with Mr. Cliff Sloan, Bill Burton, Michael S. Smith,
 David Alexander, Peter Adams, Christopher Hume, Peter Markland,
 Tim Salter, Dennis Parker, Paul L. H. Hume, Don Finner

- 2:45P Discussion to replace the lock on the door to Mr. Nussbaum's
 office

**DEPOSITION OF JOHN S. SKYLES
IN RE: S. RES. 120**

THURSDAY, JUNE 22, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of JOHN S. SKYLES, called for examination pursuant to notice of deposition, at 3:00 p.m. in Room 534 of the Dirksen Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
GLENN F. IVEY, Esq.
Minority Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

TIMOTHY M. FOLEY, Esq.
BILL CLANCY, Esq.
U.S. Secret Service
Office of Chief Counsel
1800 G Street, NW
Room 842
Washington, DC 20223
On behalf of the Deponent.

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WITNESS	EXAMINATION
John S. Skyles	
by Mr. Johnson	3
by Mr. Ivey	20

1 PROCEEDINGS

2 Whereupon,

3 JOHN S. SKYLES

4 was called as a witness and, having first been duly
5 sworn, was examined and testified as follows:

6 EXAMINATION

7 BY MR. JOHNSON:

8 Q Good afternoon, Mr. Skyles.

9 A Good afternoon.

10 Q We've had an opportunity to meet off the
11 record. Let me just introduce myself again on the
12 record. My name is Everett Johnson and I'm one of
13 the attorneys working for the Majority staff on the
14 Special Senate Committee investigating Whitewater and
15 other related matters. This deposition is being
16 conducted pursuant to Senate Resolution Number 120
17 which constitutes the Committee to conduct an
18 investigation and directs the staff to undertake
19 certain investigative steps.

20 The topic of our investigation is the
21 investigation into Mr. Vince Foster's suicide and in
22 particular, the handling of Mr. Foster's documents at

4

1 or around the time of his death, so my questions
2 today and Mr. Ivey's questions today will relate
3 generally to that topic. Have you had your
4 deposition taken before?

5 A Yes.

6 Q A couple of procedures just to remind you,
7 Ms. Baker is going to make a transcription of
8 everything we say, so it's useful to her if you allow
9 me to finish my questions before you offer an
10 answer. And similarly, you need to respond verbally
11 to the questions because she's unable to record
12 nonverbal communication. I'll try and be very clear
13 with the questions. If I fail, let me know that.
14 Otherwise I'll kind of assume you understand what I'm
15 trying to ask you.

16 If you need to consult with your counsel,
17 feel free to do that and if you need to take a break
18 at any time, just say so and we'll take a break at
19 that time. Let me just assure you as we begin,
20 there's nothing in our questions that's designed to
21 be remotely deceitful or tricky or anything of that
22 kind, so if something seems confusing to you, feel

1 free to say so, and we'll for sure clear it up.

2 Give us 30 seconds of your background with
3 the Secret Service.

4 A I've been with the Secret Service for
5 19-1/2 years. Started with the executive protective
6 service in September of 1975 and I've been in foreign
7 missions, which is the part that covers embassies and
8 so forth out on -- we call it the street.

9 Q Massachusetts Avenue?

10 A Right, up in that area for six years,
11 canine for 7-1/2 years and the rest of my time I've
12 spent at the White House.

13 Q In July of 1993, where were you stationed?

14 A July 1993, in the west wing, west lobby to
15 be exact.

16 Q July 20th is the day Mr. Foster died so
17 most of our questions will surround that time frame.
18 Did you know Mr. Foster?

19 A Yes, I did. Just briefly, say hello,
20 good-bye type thing.

21 Q Let me do something that I haven't done so
22 far in these inquiries, Mr. Skyles, but I'm really

1 trying to be very brief and I'll trust you to help me
2 if I've been too general. A lot of questions that we
3 have been asking surround the security at
4 Mr. Foster's office in the days following his death
5 and the handling of documents in and out of his
6 office in the days following his death. Let me ask
7 you first of all, whether or not you had any personal
8 involvement at all in securing Mr. Foster's office
9 after his death?

10 A No.

11 Q You weren't asked to go up and guard it,
12 for example?

13 A No.

14 Q And you didn't participate with anyone in
15 discussions about securing Mr. Foster's office; is
16 that correct?

17 A That's correct.

18 Q Were you aware at the time that any special
19 security measures were being taken with respect to
20 Mr. Foster's office?

21 A Not until the following morning. I worked
22 the day shift that day.

1 Q What do you think you learned the following
2 morning?

3 A I heard about Mr. Foster's death and
4 sometime later, I found out that they had placed
5 someone at the door. I didn't know. It was just
6 through other people.

7 Q You weren't personally involved in the
8 decision to do that?

9 A No.

10 Q Do you have any knowledge of any kind
11 whatsoever -- and I mean by that not just personal
12 direct knowledge, but any sort of hearsay or general
13 information -- on the topic of whether or not from
14 the time of Mr. Foster's death any documents were
15 removed from Mr. Foster's office?

16 A Not to my knowledge.

17 Q Have you heard any rumors or spoken with
18 any other officers who say that they have any
19 knowledge of that topic?

20 A No.

21 Q To the best of your knowledge, you just
22 haven't discussed this topic with anyone?

1 A Correct.

2 Q Let me ask exactly the same question with
3 respect to the placement of any materials in
4 Mr. Foster's office. Do you have any knowledge at
5 all regarding the placement of materials in
6 Mr. Foster's office after the time of his death?

7 A No, I do not.

8 Q You haven't heard any rumors, haven't heard
9 any speculation, nothing like that?

10 A No.

11 Q What knowledge, if any, Mr. Skyles, do you
12 have regarding whether or not any individuals entered
13 Mr. Foster's office after his death but before a
14 security guard was placed outside that office on the
15 morning of the 21st of July?

16 A No direct knowledge at all.

17 Q Do you have any indirect knowledge?

18 A Just rumor, which I can't substantiate at
19 all.

20 Q What rumor have you heard?

21 A Can I talk with --

22 MR. JOHNSON: Sure.

1 (Witness conferred with counsel.)

2 THE WITNESS: I had heard that possibly
3 Maggie Williams and Patsy Thomasson had been in his
4 office prior to us securing it, but that wasn't
5 substantiated. That was just what I had heard from
6 some other guys.

7 BY MR. JOHNSON:

8 Q You can't personally say whether or not
9 that was true?

10 A That's correct.

11 Q Who did you hear it that from?

12 A I can't recall. I know it was from some of
13 our own people, but I can't recall exactly who.

14 Q Do you recall when you heard that?

15 A It would have been within two or three days
16 of the period after Mr. Foster's death.

17 Q And even though you can't recall who said
18 it, do you recall what the basis of their knowledge
19 was?

20 A I believe the basis of their knowledge was
21 more rumor than fact also. They had heard it through
22 someone else without actually having knowledge of

10

1 that.

2 Q Is this just kind of a rumor that was going
3 through the White House at this time?

4 A Floating around, correct.

5 Q Was part of this rumor that any documents
6 had been removed from Mr. Foster's office by
7 Ms. Williams, Ms. Thomasson or anyone else?

8 A Not to my knowledge, no.

9 Q Have you heard any information at all
10 suggesting that any documents were removed from
11 Mr. Foster's office, or for that matter, placed in
12 Mr. Foster's office prior to the time that the
13 Secret Service secured that office on the morning of
14 the 21st?

15 A Not that I recall.

16 Q Do you know Craig Livingstone?

17 A Yes.

18 Q Who is Mr. Livingstone?

19 A He's in charge of White House security at
20 the White House.

21 Q Have you ever heard any rumors or
22 suggestion that Mr. Livingstone may have entered

1 Mr. Foster's office prior to the time that it was
2 secured by the Secret Service on the 21st?

3 A No.

4 Q Are you hearing that for the first time as
5 I say it just now?

6 A Yes.

7 Q So it's fair to say you wouldn't have any
8 information about that at all?

9 A Correct.

10 Q I'll come back to the 20th in a minute, but
11 on the 21st of July, the day after Mr. Foster's body
12 was discovered, were you working at the White House?

13 A Yes.

14 Q Where were you working?

15 A In the west wing in the lobby.

16 Q In what's sometimes referred to, at least
17 by me, as the VIP lobby of the west wing?

18 A Yes.

19 Q What time did you assume your station
20 there?

21 A On that day of the week they put me on post
22 between 6:30 and 7:00 a.m.

1 Q Focusing on the early hours of that
2 morning, let me give you some names of people and
3 tell me to the best of your recollection whether you
4 saw any of them in the west wing on the morning of
5 the 21st. Let me start with Craig Livingstone.

6 A Not that I recall.

7 Q Patsy Thomasson?

8 A I would see her on a daily basis, so just
9 because she would go to the senior staff meeting in
10 the morning and she came over there on a regular --
11 as an everyday occurrence basically.

12 Q You suspect that you did see her on that
13 day, but you don't have any recollection of it?

14 A That's correct.

15 Q Ms. Williams, Maggie Williams?

16 A Maggie Williams, I don't recall seeing
17 her. She usually didn't come through the lobby, that
18 direction.

19 Q And you didn't see her on that day?

20 A Not that I recall, no.

21 Q Did you see Mr. Nussbaum on that morning?

22 A I saw him on a regular basis also. I

1 believe, if I recall, that yes, because he would come
2 in through my door, I probably did see him that day.

3 Q Is there any reason to think that you saw
4 anything at all remarkable on that day? Is there
5 anything that comes out in your mind that you may
6 have seen on that day that you could distinguish from
7 any other day in the office?

8 A Let me just ask these gentlemen.

9 (Witness conferred with counsel.)

10 THE WITNESS: That following morning, after
11 hearing about Mr. Foster, I happened to see Patsy
12 Thomasson with another staff person -- and I can't
13 recall who the other person was -- in the hallway
14 behind the west wing, on the west side, west hallway
15 whispering, talking quietly like they were trying not
16 to be overheard to another staff member, which was
17 unusual, I thought. But at the same time, I knew
18 what had happened, so I wasn't sure if it was
19 anything unusual or not.

20 BY MR. JOHNSON:

21 Q You didn't at the time recognize who the
22 other staff member was?

1 A I can't recall. I cannot recall who the
2 other one was.

3 Q Do you think you recognize who it was but
4 today can't remember who it was?

5 A I probably -- yes, I would say that's
6 probably correct.

7 Q Do you know whether it was a man or a
8 woman?

9 A If I recall correctly, I believe it was a
10 woman.

11 Q If you had to -- do you think it was
12 Ms. Williams?

13 A I can't --

14 Q You just can't recall?

15 A I can't recall. It possibly could be, but
16 I really can't recall.

17 Q Any more reason to think it was
18 Ms. Williams than any other woman who works in the
19 White House?

20 A No, not right offhand, no.

21 Q I take it you didn't overhear anything they
22 said?

1 A No, I did not.

2 Q How long do you think they stood there and
3 whispered?

4 A That I couldn't tell you. All I did was
5 walk from the stairwell -- the rear west stairwell
6 upstairs. I looked down the hallway to my right.
7 They were in the hallway exchanging whispers and I
8 walked through into the VIP lobby again.

9 Q So you observed them for a few seconds?

10 A Correct.

11 Q Anything else unusual? I don't mean
12 unusual in any pejorative way. Anything else that
13 stands out in your mind from that morning?

14 A No.

15 Q And I take it again on this day, the 21st,
16 you didn't participate in any way in the Secret
17 Service efforts to secure the documents?

18 A No, I did not.

19 Q Let me take you back now to the day before,
20 the 20th of July. What hours did you work on that
21 day?

22 A I worked the day work shift, which is

1 between 6:30 to 3:00 in the afternoon.

2 Q I take it you saw Mr. Foster on that day?

3 A Yes.

4 Q And you happened to have actually seen him
5 leave the White House on that day?

6 A Yes, I did.

7 Q After Mr. Foster left the White House on
8 that day, everyone knows that Mr. Foster didn't
9 return, he committed suicide that afternoon; is that
10 correct?

11 A That's what I've heard, yeah.

12 Q Did you see -- after Mr. Foster left on
13 that day and for the remainder of your shift, did you
14 see or observe any unusual activity in the
15 White House that stands out in your mind today?

16 A No, not that I recall.

17 Q There wasn't an unusual number of people
18 going up to Mr. Foster's office or anything of that
19 kind?

20 A I wouldn't have observed them anyway
21 because the way they get up there, I can't tell if
22 they're going upstairs or downstairs or right or

1 left. I wouldn't know if they were going up to the
2 office or not.

3 Q Let me focus on the afternoon of the 20th.
4 I think you told me you would have left work at what
5 time?

6 A Between 2:30 and 3:00.

7 Q Do you recall who replaced you?

8 A Not right offhand. Usually it's Officer
9 Chinery that would replace me. It probably was that
10 day.

11 Q This was in the VIP lobby; is that correct?

12 A Correct.

13 Q And Mr. Chinery's hours would have been
14 from 2:30 or 3:00 until when?

15 A He got off -- we secured the west wing
16 lobby at 10:00 in the evening.

17 (Discussion off the record.)

18 BY MR. JOHNSON:

19 Q Mr. Skyles, when you came to work the next
20 morning, the morning of the 21st, did anyone report
21 to you that there had been an unusual degree of
22 activity in the west wing of the White House on the

1 evening of the 20th?

2 A Not to my recollection.

3 Q No one said in words or substance, God, you
4 wouldn't have believed all the bigwigs who were down
5 here last night or something like that?

6 A Not to my knowledge.

7 Q In fact, you didn't hear any suggestions at
8 all that anyone had been around on the evening of the
9 20th; is that right?

10 A That's correct.

11 Q Would you have recognized in July of 1993
12 Mr. Nussbaum's secretary, Ms. Pond?

13 A I'm great with faces. If I saw her
14 picture, I'd probably recognize her, yes.

15 Q Do you have any recollection in July of
16 1993 about what time Ms. Pond typically arrived for
17 work?

18 A Not to my recollection. She might have
19 entered through the basement.

20 Q She wouldn't have had to come by you to get
21 to work?

22 A That's correct.

1 Q The White House staff that works daily in
2 the west wing, do they normally enter through the VIP
3 lobby or through some other entrance?

4 A I would say the majority enter through the
5 basement and a few enter through the west wing lobby.

6 Q Does Mr. Nussbaum -- for example, does he
7 enter through the west wing lobby or through some
8 other entrance?

9 A He would -- different locations. Some days
10 he would come in through the west wing lobby. Other
11 days he would come in through the basement.

12 Q What about Ms. Thomasson, does she come in
13 through the west wing lobby? I think you said she
14 does.

15 A She would come up through the basement and
16 walk through the lobby.

17 Q So while she wouldn't enter through your
18 lobby, she would walk through the lobby?

19 A Correct.

20 Q Typically how early in the day would you
21 see her?

22 A The White House staff meeting was usually

20

1 around 8:00, 8:00 a.m., and I would see them anywhere
2 between a quarter of 8:00 and 8:15 on a daily basis.
3 Sometimes they were running later. Other times the
4 senior staff meeting would be at a later time.

5 MR. JOHNSON: Thank you, Mr. Skyles. I
6 don't have any further questions. Mr. Ivey may have
7 some questions for you.

8 MR. IVEY: I do. Can we go off the
9 record.

10 (Discussion off the record.)

11 EXAMINATION

12 BY MR. IVEY:

13 Q Good afternoon. I was wondering if you
14 could give me a sense of where your post was on July
15 20th within the west wing. What floor are you on?

16 A I'm on the first floor. There are three
17 floors. I'm located in the north end of the first
18 floor.

19 Q And that would be heading towards the
20 Pennsylvania Avenue area?

21 A Correct.

22 Q And what floor is the White House counsel's

1 office on at that time?

2 A The second floor.

3 Q So when you saw people coming in that
4 Mr. Jones asked you about, they would have been
5 walking -- coming from a parking lot near where your
6 post was or not?

7 A They probably would have parked on West
8 Executive Avenue and came up through the exterior
9 stairs that led to the lobby or else they could have
10 come in through the ground floor, which is below me
11 and come up the back stairs into the lobby also.

12 Q Was there an elevator within your sight
13 from your post?

14 A Not within my sight. It was in the hallway
15 behind me.

16 Q Were you able to see the stairs from your
17 post?

18 A If I opened the rear door. It was mostly
19 closed during the day, though.

20 Q And would that have been true on the 21st
21 as well?

22 A If I recall, yes.

22

1 Q Now, on the 21st, you saw a number of
2 White House employees coming and going in the
3 morning?

4 A That's correct.

5 Q And is it your understanding they were
6 going to this 8:00 staff meeting?

7 A That was the norm, yes.

8 Q What was the general tone in the west wing
9 that morning? How were people behaving that day?

10 A To my recollection, they were -- seemed
11 kind of concerned after the fact, from the
12 information that they had received regarding
13 Mr. Foster.

14 Q Did you know that Mr. Foster was dead at
15 the time you arrived at work?

16 A I had heard, yes.

17 Q Did you feel that people were -- were there
18 any people that were visibly upset that morning?

19 A If I recall, there were -- most of the
20 staff was upset. I can't recall if there were tears
21 shed or anything, but there was a lot of -- little
22 huddles going on around, if I can recall.

1 Q Did you have any sense of what the people
2 were huddling about? Were they speaking in a way
3 that you could overhear?

4 A I couldn't overhear, no.

5 Q You mentioned you saw some people who were
6 whispering. I guess that would have included Patsy
7 Thomasson. Was she one of the people you saw that
8 morning who appeared to be upset about Mr. Foster's
9 death?

10 A Not at the time when I -- not that I can
11 recall, not that I can recall.

12 Q And can you recall anything about the
13 people she was speaking with?

14 A No, I can't recall.

15 Q Did you see anyone carrying boxes on the
16 morning of the 21st?

17 A Not to my recollection, no.

18 Q Did you see any representatives from other
19 law enforcement agencies, like the Park Police or the
20 FBI on the morning of the 21st?

21 A I recall law enforcement personnel coming
22 in. I can't recall if it was exactly the 21st or if

1 it was on a later day, the 22nd or 23rd, but I
2 remember -- if I recall, it was the FBI who came in
3 at that point.

4 Q Can you recall what they were doing?

5 A No. They came into the lobby, and they
6 were met and went -- or escorted up to the room
7 upstairs, but I can't recall which day it was on.

8 Q I assume they were plainclothes?

9 A Yes.

10 Q What led you to believe these were FBI --

11 A They identified themselves.

12 Q To you?

13 A To the guys at the gate who notify me, and
14 then when they came into the lobby, they identified
15 themselves again.

16 Q Did anyone come to meet them in the lobby?

17 A Yes. That's the standard rule. People
18 have to be escorted. I can't recall who met them.

19 Q Other than the staff meeting at 8:00, do
20 you recall any other types of meetings or activities
21 that you saw taking place?

22 A I don't recall. It was -- meetings in the

1 west wing were a daily occurrence. I mean, you would
2 see them constantly. They would have meetings in the
3 Roosevelt Room and several other rooms. I don't
4 recall on that particular day if there were any other
5 meetings. I'm sure there probably were.

6 Q Where's the Roosevelt Room?

7 A It's on the east side of where the lobby
8 is.

9 Q It's on the first floor?

10 A First floor.

11 Q Within your view of your post?

12 A Correct. That's where they have the senior
13 staff meeting.

14 Q Were there other Secret Service personnel
15 on duty with you in the morning of the 21st?

16 A Not in the lobby, no.

17 Q Do you get to take breaks during the day at
18 all?

19 A Yes.

20 Q During the break, did you talk with some
21 other Secret Service personnel?

22 A I'm sure I did, but I couldn't recall who

1 they were.

2 Q Do you recall any conversations about
3 Mr. Foster's death or anything unusual taking place
4 on the morning of the 21st during those
5 conversations?

6 A I recall saying to someone -- and I can't
7 recall who it was -- that I was shocked to hear about
8 his death. I just talked to him the day before when
9 he walked out of the lobby.

10 Q Any other types of conversations you can
11 recall?

12 A No.

13 Q Anything about documents at all?

14 A Nothing.

15 Q At what point did you become aware or did
16 you become aware of efforts to secure Mr. Foster's
17 office?

18 A The following day. I can't recall what
19 time exactly.

20 Q The day following his death?

21 A Right. That's when I recall. I recall two
22 officers being brought over that were normally

1 assigned to special operations, which are the tours.

2 Q These would be Secret Service officers?

3 A Correct.

4 Q And what happened when they were brought
5 over?

6 A They told me they were going up to stand
7 post outside Mr. Foster's door.

8 Q Do you remember who those two were?

9 A I remember Bob Popik was one, and I can't
10 recall the other one.

11 Q Was that the only conversation you had with
12 those two?

13 A Yeah, that was basically it in a nutshell.

14 Q Did you speak with them later that day or
15 the next day, which would be at this point July 22nd?

16 A Not that I recall, no.

17 Q You mentioned rumors earlier when you had
18 testified. Do you know if the people who were
19 outside of Mr. Foster's office, were they two of the
20 people who had spoken to you about what may have
21 happened during that period?

22 A Not to my knowledge, no.

1 Q Have they ever spoken to you about what
2 took place at the office when they were guarding it?

3 A No. We don't work in the same location.
4 So if you don't see someone, you usually don't talk
5 about it and the next time you see him, you've kind
6 of forgotten about that.

7 Q Other things to talk about?

8 A Right.

9 Q I just wanted to ask you about the
10 statement you gave last year with the Independent
11 Counsel. This is pages 1546 and 1547 from the bound
12 volumes of our hearings last year. I want to ask you
13 to take a look at it. Take your time.

14 (Witness reviewed document.)

15 A I read the highlight. Do you want me to
16 read the whole thing?

17 Q No, ignore the highlights. That was just
18 for me.

19 (Witness reviewed document.)

20 A Okay.

21 Q Do you recall giving this statement?

22 A Yeah, I remember who I gave the statement

1 to.

2 Q Is this the first time you've had a chance
3 to review it?

4 A Yes.

5 Q Is that your full statement?

6 A If I recall, pretty much.

7 Q Is there anything you would want to add to
8 the statement with respect to Mr. Foster's office,
9 things that happened on the night of the 20th or the
10 morning of the 21st or the 22nd?

11 A No. That's pretty much it in a nutshell.

12 MR. IVEY: No further questions.

13 MR. JOHNSON: Thank you very much,
14 Mr. Skyles. I'm sure Mr. Ivey will join me in
15 thanking you for your time. Let me come back to
16 something we mentioned at the beginning. We are all
17 of us in this room bound by strict rules of
18 confidentiality related to this deposition and the
19 fact of the deposition and we would be grateful to
20 you if you wouldn't discuss this with anyone.

21 THE WITNESS: Sure.

22 MR. JOHNSON: Thank you very much.

1 (Whereupon, at 3:35 p.m., the deposition
2 was concluded.)
3
4

5 -----
6 JOHN S. SKYLES
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CERTIFICATE OF NOTARY PUBLIC & REPORTER

31

I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

**DEPOSITION OF BRUCE EDWARD ABBOTT
IN RE: S. RES. 120**

FRIDAY, JUNE 23, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of BRUCE EDWARD ABBOTT, called for examination pursuant to notice of deposition, at 3:55 p.m. in Room 538 of the Dirksen Senate Office Building, before CRAIG L. KNOWLES, a Notary Public within and for the District of Columbia, when were present:

APPEARANCES

EVERETT C. JOHNSON, JR., Esq.

Majority Deputy Special Counsel

ROBERT J. GIUFFRA, JR., Esq.

Majority Chief Counsel

RICHARD BEN-VENISTE, Esq.

Minority Special Counsel

GLENN F. IVEY, Esq.

Minority Counsel

U.S. Senate

Committee on Banking, Housing, and Urban Affairs

534 Dirksen Building

Washington, DC 20510

On behalf of the Committee.

TIMOTHY M. FOLEY, Esq.

BILL CLANCY, Esq.

U.S. Secret Service

Office of Chief Counsel

1800 G Street, NW

Room 842

Washington, DC 20223

On behalf of the Deponent.

ALSO PRESENT: SANDRA AISTARS-ANNUS
VINCENZO A. DELEO

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1 P R O C E E D I N G S

2 Whereupon,

3 BRUCE EDWARD ABBOTT

4 was called as a witness and, having been first duly
5 sworn by the Notary Public, was examined and
6 testified upon his oath as follows:

7 E X A M I N A T I O N

8 BY MR. JOHNSON:

9 Q. Mr. Abbott, could you please state your full
10 name for the record.11 A. First name is Bruce. Middle name Edward.
12 Last name, Abbott.13 Q. We have had an opportunity to meet off the
14 record. But for the benefit of the record, let me
15 introduce myself again. My name is Everett Johnson,
16 and I am one of the attorneys working for the
17 majority staff for the special Senate Whitewater
18 committee investigating Whitewater and related
19 matters.

20 Off the record.

21 (Off-the-record discussion.)

22 BY MR. JOHNSON:

1 Q. What brings us all here today is Senate
2 Resolution Number 120 which constitutes the special
3 committee and authorizes investigations into certain
4 areas, generally related to what the public has come
5 to know as Whitewater.

6 Specifically today we are investigating
7 certain events surrounding the death of Vince Foster
8 on July 20th, 1993. We are particularly interested
9 in the handling of documents and the conduct of the
10 investigation at the White House after Mr. Foster's
11 death.

12 Let me just ask you as a preliminary matter
13 whether or not you have had your deposition taken
14 before. And I don't mean necessarily in connection
15 with this investigation, but just ever.

16 A. No, I have not.

17 Q. Let me talk briefly about a couple of
18 procedures that will make it easier, particularly for
19 Mr. Knowles, our court reporter.

20 He will be making a verbatim transcription
21 of the questions that we ask you and the answers that
22 you give, and it will make his job a lot easier if

1 you will wait until the question is completed before
2 you give an answer. He is unable to transcribe
3 simultaneous conversation. So even though you may
4 know what the question is going to be, it's useful if
5 you will wait until it's completed before you answer
6 the question.

7 It's also important that you answer the
8 question verbally, with yeses or no's or whatever
9 other explanation and not with non-verbal
10 communication, because he is unable to record
11 non-verbal communication.

12 I will try and make the questions that I ask
13 as clear as I can possibly make them. I will
14 sometimes fail at that, and I will to a certain
15 extent count on you to tell me if something I have
16 asked is unclear to you or doesn't make sense to you.
17 Feel completely free to say that you don't understand
18 the question.

19 I assure you there is nothing in any of
20 these questions that is designed to be deceitful or
21 tricky or to mislead you in any way, so if you find a
22 question to be confusing, please say so.

1 If you need to consult with your counsel at
2 any time during the deposition, feel free to do so.
3 And if you would like to take a break at any time
4 during the deposition, feel free to say so and we
5 will take a break.

6 Is all of that pretty clear so far?

7 A. Yes, it is.

8 Q. In preparing to testify here today did you
9 meet with anyone to discuss the deposition testimony?

10 A. Tim Foley, Secret Service counsel.

11 Q. Who was present in that meeting?

12 A. It was a phone conversation between the two
13 of us, alone.

14 Q. On the than that conversation with Mr.
15 Foley, have you had any other conversations with
16 anyone regarding the deposition testimony that you
17 are about to give?

18 A. No, I have not.

19 Q. Why don't you take 30 seconds or so and
20 describe your working history with the Secret
21 Service.

22 A. I have been with the uniform division

1 approximately 14 and a half years. I started with
2 the foreign missions branch which protects the
3 embassies and various on the locations outside of,
4 within the Washington, D.C. area but outside of the
5 White House complex.

6 Upon rotating, transferring to the White
7 House branch after 18 months I was assigned to
8 positions within the control center of the White
9 House, within the appointment center of the White
10 House, and then I was accepted to a position as a
11 technician, K-nine explosive detection handler. I
12 was in that position for approximately four years.

13 Upon coming out of the assignment as a
14 K-nine handler, I was reassigned back to the White
15 House branch, where I have been up to this point.

16 My assignment is that of an unassigned
17 officer, whereby my daily assignments change. I am
18 not assigned to any one post.

19 Q. Let me ask you to put a couple of dates on
20 this for me.

21 When did you leave the K-nine division and
22 return to work in the White House?

1 A. 1992.

2 Q. You have continued in that assignment since
3 1992, is that correct?

4 A. That is correct.

5 Q. I take it you are generally familiar, Mr.
6 Abbott, with the physical layout of the West Wing of
7 the White House?

8 A. Yes, I am.

9 Q. Have you worked there on many occasions?

10 A. Yes, I have.

11 Q. Let me focus your attention if I could,
12 please, to the period surrounding July of 1993. I
13 will represent to you Mr. Foster's body was found on
14 July 20th, 1993.

15 At that time were you also familiar with the
16 layout of the West Wing of the White House?

17 A. Yes, I was.

18 Q. And at that time had you worked from time to
19 time at duty stations within the West Wing of the
20 White House?

21 A. Yes, I had worked.

22 Q. Still focusing on roughly July of 1993, what

10

1 shift were you working?

2 A. Could you repeat the date, again? July --

3 Q. If it changed, let me know and I will be
4 more specific. But I just want to know whether there
5 was a particular shift, day shift, night shift,
6 afternoon shift that you were working at that time.

7 A. Okay. To explain, my assignment at the
8 White House was a rotating, between day work and an
9 evening shift on an alternating week basis.

10 Q. What are the hours generally of the day
11 shift?

12 A. The hours of the day shift are 6:30 until 3
13 o'clock or 5:30 until 2 o'clock, depending on my
14 assignment.

15 Q. Is that depending on what duty station you
16 are assigned to, is that a fair statement?

17 A. That is correct.

18 Q. Can you tell us which one relates to the
19 6:30 beginning time and which stations relate to the
20 5:30 beginning time?

21 A. The majority of the posts in the White House
22 on the day shift start at 6:30.

1 Q. Okay.

2 A. With the few exceptions, one being an
3 assignment that I would regularly get, and that would
4 be in the control center.

5 Q. Okay.

6 A. The control center assignment starting at
7 5:30.

8 Q. What are the hours of the evening shift?

9 A. 4:30 is roll call, and the shift lasts until
10 11 o'clock p.m.

11 I said 4:30, and I meant to say 2:30.

12 Q. I was going to ask you who guarded the White
13 House between 3 and 4:30.

14 A. I was going to use military time which is
15 14:30, and I wanted to put it in civilian.

16 Q. I am grateful, yes. Civilian is easier for
17 me, thank you.

18 Roll call is at 2:30 in the afternoon and
19 you assumed your duty station at 3, is that correct?

20 A. The duty stations are assumed upon
21 completion of the roll call. It doesn't, generally
22 it does not last a half an hour.

1 Q. Are you always, were you always in July of
2 1993 assigned to the West Wing, or were you also
3 assigned to other stations in the White House
4 complex?

5 A. During that month I was assigned to other
6 stations, not just particularly the White House --

7 Q. Okay.

8 A. -- West Wing.

9 Q. Were you ever assigned to any stations in
10 the Old Executive Office Building?

11 A. Yes, I was.

12 Q. Do you think of yourself as being generally
13 familiar with the Old Executive Office Building, the
14 physical plant, I mean.

15 A. Yes, I do.

16 Q. I take it, although it's not very important
17 I think for our purposes, that you had been assigned
18 to the east wing or the residence at various times as
19 well?

20 A. That is correct.

21 Q. Let me ask you the same question with
22 respect to a number of individuals, and I will

1 identify them for you.

2 But the question for each of them is whether
3 as of July 20th, 1993, you would have recognized
4 these individuals by face at the White House.

5 It goes without saying that you would have
6 recognized the President and the First Lady, is that
7 correct?

8 A. That is correct.

9 Q. Would you have recognized Mr. Nussbaum?

10 A. That is correct.

11 Q. You would have recognized him, is that
12 right?

13 A. That is correct.

14 Q. Okay. Mr. McLarty?

15 A. That is correct.

16 Q. Would you have recognized Patsy Thomason?

17 A. Yes.

18 Q. Maggie Williams?

19 A. Vaguely.

20 Q. Is it fair to say you are not certain that
21 you would have recognized her just by face?

22 A. At that particular time I don't recall if I

1 was able to recognize her back in July of 1993.

2 Q. Would you have recognized a woman by the
3 name of Evelyn Lieberman?

4 A. No.

5 Q. Would you recognize her today?

6 A. No.

7 Q. Have you ever heard her name before today?

8 A. Yes.

9 Q. Does she in fact work at the White House to
10 the best of your knowledge?

11 A. I don't know that.

12 Q. Do you know whether she ever did?

13 A. My reason for knowing the name was an
14 association as a staff member. But I don't know in
15 what capacity or when she may have worked there,
16 other than to have heard her name.

17 Q. Okay, I understand. You believe you have
18 heard that she was a member of the White House staff?

19 A. Yes.

20 Q. But you don't know any more about it than
21 that?

22 A. That is correct.

1 Q. Would you have recognized Mr. Gearan?

2 A. Would this be in 1993?

3 Q. Yes, sir, in July, on or before July 20th of
4 1993.

5 A. I don't recall that at that period of time I
6 would recognize him.

7 Q. What B DeeDee Myers, would you have
8 recognized DeeDee Myers?

9 A. I can't specifically say at what point she
10 became a staff member. I don't recall exactly her
11 start time.

12 When she became a staff member I was quickly
13 familiar with her.

14 Q. David Watkins?

15 A. Yes.

16 Q. William Kennedy?

17 A. No.

18 Q. Cliff Stone?

19 A. No.

20 Q. Steve Neuwirth?

21 A. No.

22 Q. You would not have recognized Mr. Neuwirth,

1 is that correct?

2 A. No.

3 Q. Webster Hubbell?

4 A. Yes.

5 Q. Sylvia Matthews?

6 A. No.

7 Q. Craig Livingstone?

8 A. Yes.

9 Q. Would you have recognized a White House
10 employee in July of 1993 by the name of Tom
11 Castleton?

12 A. No.

13 Q. What about a William Burton?

14 A. No.

15 Q. Would you have recognized Mr. Nussbaum's
16 secretary, Ms. Pond?

17 A. No.

18 Q. What about Mr. Foster's secretary, Ms. Gore?

19 A. No.

20 Q. Would you have recognized Vince Foster?

21 A. No.

22 (Discussion off the record.)

1 BY MR. JOHNSON:

2 Q. I thought I asked that but let me ask again.
3 George Stephanopoulos?

4 A. Yes, recognized his face. Again, as he
5 became a member of the staff of the White House he
6 was in a position to become familiar with -- I don't
7 know exactly the appointment date, though, that he
8 started.

9 Q. So if he was in that staff position in July
10 of 1993, you are confident you would have recognized
11 him?

12 A. Yes.

13 Q. Do you recall, Mr. Abbott, what shift you
14 worked on July 20th, 1993, the day Mr. Foster died?

15 A. No, I don't recall the 20th, what shift I
16 was work.

17 Q. Did you learn on July 20th, 1993, that Mr.
18 Foster's body had been found?

19 A. No, I believe that was the 21st of July.

20 Q. You don't recall learning it at all on the
21 20th?

22 A. That's correct, I did not.

1 Q. Do you recall what shift you worked on July
2 21st, 1993?

3 A. Yes, I do.

4 Q. What shift did you work?

5 A. I worked the day shift.

6 Q. And I take it your day began at 6:30 in the
7 morning that morning?

8 A. Yes, it did.

9 Q. Where were you stationed?

10 A. I was assigned to a post in the West Wing
11 basement lobby.

12 Q. Had you ever been assigned to that post
13 before?

14 A. Yes, I had.

15 Q. Had you ever been assigned to that post on
16 the morning shift before?

17 A. Yes, I had.

18 Q. It may be impossible to recall, but
19 generally speaking, how many times had you worked
20 that post on that shift?

21 A. What time period are you referring to?

22 Q. Ever. Before July 20th, 1993.

1 A. Possibly 50 or more times, given the number
2 of years I had been assigned to the White House.

3 Q. You were frequently on that post on that
4 shift, is that a fair statement?

5 A. I would say yes. But I may wish to change
6 the number because I am uncertain of the number of
7 times I had been assigned to that post on the day
8 shift.

9 Q. I am just trying to establish, Mr. Abbott,
10 general familiarity. The number is really not
11 important.

12 This was not the first time or among the
13 first times that you had worked this shift, is that
14 right?

15 A. That is correct.

16 Q. When do you recall that you learned of Mr.
17 Foster's death?

18 A. I was traveling to work in my car, and a
19 news report on a radio station reported his death.
20 The time would be between leaving my residence at
21 approximately 4:30 in the morning and arriving in the
22 vicinity of the White House at approximately 5:30 in

20

1 the morning.

2 Q. This would be on the morning of July 21st,
3 is that correct?

4 A. That is correct.

5 Q. By the time you arrived at work that morning
6 you knew that Mr. Foster was dead?

7 A. That is correct.

8 Q. I would like to take you through your
9 memories, Mr. Abbott, of what happened on the morning
10 of July 21st, after you arrived at the White House.
11 So why don't I just ask it that way.

12 Can you tell us what you first recall
13 happening?

14 A. I usually report to the Old Executive Office
15 Building basement locker room in civilian attire. So
16 my first duties usually include getting in my uniform
17 and preparing for duty prior to roll call.

18 Upon completing my task of getting my
19 uniform and preparing for duty, I attended roll call
20 at 6:30 in the morning.

21 Q. Between the time that you arrived and
22 attending roll call at 6:30 in the morning, did

1 anything unusual happen?

2 A. No.

3 Q. What is the next thing you recall when you
4 attended roll call at 6:30 in the morning?

5 A. Roll call was given in the Old Executive
6 Office Building basement, which I attended.

7 Q. Okay.

8 A. It lasted approximately 15 minutes, or ten
9 or 15 minutes.

10 Q. Was Mr. Foster's death discussed in the roll
11 call that morning?

12 A. The discussion was about the news reports of
13 his death. Very little else.

14 Q. What was your understanding of the
15 circumstances of Mr. Foster's death after roll call
16 that morning?

17 A. Basically, that the news reports were
18 reporting he had committed suicide in a park off the
19 George Washington Parkway in Virginia.

20 Q. And you didn't know any more about it than
21 that, I take it?

22 A. That is correct.

1 Q. Okay. What is the next thing you remember
2 on the morning of the 21st?

3 A. I then reported to relieve the midnight
4 officer on the West Wing basement post.

5 Q. Do you remember that officer's name?

6 A. No, I don't recall.

7 Q. When you relieved that officer did you have
8 any conversations with that officer about activities
9 in the White House on the evening, during the evening
10 shift?

11 A. No, I didn't have any conversation.

12 Q. As lawyers like to say, then what happened?

13 A. Then I -- I assumed the post. But there
14 was -- at that time of the morning there was very
15 little activity, actually, going on.

16 Q. Was that unusual?

17 A. No, it wasn't for that time of morning.

18 Q. When you say very little activity, what do
19 you mean?

20 A. The pass holders start arriving for work,
21 generally a little bit later than 6:45. So
22 immediately upon assuming the post, there was not

1 much personal activity or pass holder, staff activity
2 in the area.

3 I don't recall any more than upon first
4 completion -- you know, assuming the post.

5 Q. What is the next thing that you do recall?

6 A. I recall that an Inspector Martin had
7 somewhat later in the morning or somewhat later in
8 the shift, had approached my post, stating that he
9 was going to proceed to the southwest gate and was
10 going to meet with officials from the Park Police, I
11 believe he said, for the purposes of -- I believe at
12 the time it was for the purposes of investigating the
13 Vince Foster suicide.

14 Q. You believe Mr. Martin told you that, or did
15 you just assume that?

16 A. I don't recall whether he specifically said
17 their intention was to investigate or what, other
18 than he was bringing armed law enforcement personnel
19 into the vicinity of my post. He was alerting me to
20 that fact.

21 Q. What time of morning do you think you had
22 this conversation with Inspector Martin?

1 A. I believe it to be sometime around 7:00
2 o'clock, although it could be a little bit later than
3 that, since I had only assumed the post between 6:45
4 and 7, it could have been somewhat later than that.
5 But I don't --

6 Q. Could it have been as late as 7:30?

7 A. Yes, it could.

8 Q. Could it have been as late as 8 o'clock?

9 A. I don't recall that it could have been that
10 late that I spoke with him.

11 Q. Your general feeling is it was sometime
12 before 8 o'clock in the morning?

13 A. Yes.

14 Q. Do you have a sense of whether it was closer
15 to 7 o'clock, or closer to 8 o'clock?

16 A. No, I don't have a sense of time.

17 Q. Okay.

18 A. Given the length of time it's been.

19 Q. All right. I interrupted you. You said Mr.
20 Martin told you that he was going to escort armed law
21 enforcement personnel into the complex, is that
22 correct?

1 A. Whether he stated they were armed or not, I
2 think his reason for alerting me to their presence
3 was the fact that they may not be in uniform, but
4 they may be armed and, therefore, I would be aware of
5 that and --

6 Q. Somebody is going to carry a gun into the
7 White House?

8 A. Yes, I believe that was his, one of his
9 intentions. That was my feeling for why he was
10 alerting me to that fact.

11 Q. Okay. What is the next thing that you
12 recall?

13 A. The staff members were starting to arrive
14 for work and obviously were shaken by the news,
15 shaken meaning they were distraught, upset. A great
16 many of them were.

17 Q. How could you tell that?

18 A. There were some crying. There was -- the
19 normal good mornings were not present, as I recall,
20 as a way of determining that they were upset.

21 Q. Do you recall any of the particular names of
22 the staff members that you observed that morning?

1 A. Not at that time. There were comings and
2 goings. I don't recall.

3 Q. What is the next thing that you recall, Mr.
4 Abbott?

5 A. I suspect Inspector Martin would have
6 arrived with two gentlemen from the Park Police, and
7 had them wait at an area which is in the vicinity of
8 the West Wing basement post, that I had assumed, on a
9 sofa which was directly across from the desk that I
10 sat at.

11 Q. Can you place that, Inspector Martin's
12 arrival with the Park Police, in time in that
13 morning?

14 Do you have any recollection of what time
15 that would have been?

16 A. No, only that it would have been after our
17 initial conversation. I don't have the specific
18 time.

19 Q. Sometime after the conversation which you
20 placed between 7 and 8:00 a.m. in that morning, is
21 that correct?

22 MR. BEN-VENISTE: I thought the question was

1 between 7 and 7:30, did I get it wrong?

2 MR. JOHNSON: I am not certain. We will ask
3 again, was it between 7 and 7:30 that you had the
4 first conversation with Inspector Martin?

5 A. I had said between 7 and 7:30 and you
6 expanded it I believe to include 8 o'clock and I
7 agreed it could have been as late as between 7 and 8
8 o'clock.

9 BY MR. JOHNSON:

10 Q. But Mr. Ben-Veniste is right, your best
11 recollection is that it was between 7 and 7:30 that
12 morning?

13 A. I would say that at this point in time my
14 recollection of the specific time I had that
15 conversation with him is, is, could be broader, could
16 be more precise.

17 Q. Thank you.

18 A. I just don't recall.

19 MR. JOHNSON: Thank you.

20 BY MR. JOHNSON:

21 Q. I think you were telling me that the next
22 thing that happened is Inspector Martin arrived with

1 the two Park Police officers, is that correct?

2 A. That's correct.

3 Q. Did you have any conversations with
4 Inspector Martin or the Park Police officers at that
5 time?

6 A. No, I didn't. At the time of their initial
7 arrival, no, I did not.

8 Q. What's the next thing you recall?

9 A. From that point on it's difficult to say
10 exactly, other than the course of providing the
11 operational, doing the job or providing the
12 operational aspects of the post which include
13 monitoring pass holders and access, clearing
14 appointments.

15 And whether I was actually doing that or how
16 many appointments came in I don't recall, although
17 that is a normal operation of that post, to receive
18 visitors visiting the West Wing through that post.

19 I don't recall whether I was doing that,
20 other than to monitor the traffic of the personnel,
21 those people that are authorized access into their,
22 essentially providing access control for that

1 location.

2 Q. Did there come a time on the morning of the
3 21st when you observed an individual by the name of
4 Craig Livingstone?

5 A. Yes.

6 Q. When was that?

7 A. It was in the morning. I would say it could
8 have been 7:30, it could have been later. And
9 several times during that morning I saw him in the
10 area of my post.

11 Q. Now, I want to dwell on this for a moment.
12 But let me try first to establish a timeframe within
13 which you may have seen Mr. Livingstone.

14 Do you recall whether or not you saw Mr.
15 Livingstone before your first conversation with
16 Inspector Martin?

17 A. I don't recall specifically having seen him
18 before that.

19 Q. Do you recall whether or not you saw Mr.
20 Livingstone before Inspector Martin entered the West
21 Wing with the Park Police?

22 A. I don't recall the time having been before

1 that.

2 Q. Can you place in time at all when you first
3 saw Mr. Livingstone on the morning of the 21st?

4 A. No, because I don't recall the --
5 specifically the first time that I saw him.

6 Q. Did you see him a number of times on that
7 morning?

8 A. I saw him several times, meaning more than
9 two. But perhaps three or four times that morning,
10 yes.

11 Q. There is no way to be more precise, you just
12 saw him three or four times, is that correct?

13 A. That is correct, traversing in the area of
14 my post. That's correct.

15 Q. Where is Mr. Livingstone's office, if you
16 know?

17 A. To my knowledge it's in the Old Executive
18 Office Building.

19 Q. Was Mr. Livingstone a White House pass
20 holder?

21 A. Yes, he was.

22 Q. Am I correct in assuming that as a White

1 House pass holder he could freely come and go in the
2 West Wing of the White House?

3 A. Yes, he could.

4 Q. What was Mr. Livingstone doing on the
5 morning of the 21st when you saw him.

6 MR. BEN-VENISTE: On what occasion?

7 MR. JOHNSON: First time.

8 A. I don't know what he was doing, other than
9 passing the post where I was working.

10 BY MR. JOHNSON:

11 Q. You saw him walk past the post a number of
12 times?

13 A. Yes, I did, several times.

14 Q. Was he carrying anything at any time you saw
15 him walk past the post?

16 A. He did come past my post one time carrying a
17 briefcase.

18 Q. Carrying a briefcase?

19 A. Yes.

20 Q. In which direction was he going when you saw
21 him carrying a briefcase?

22 A. He was exiting the West Wing onto West

1 Executive Avenue.

2 Q. Had you seen Mr. Livingstone come into the
3 West Wing prior to that?

4 A. Not immediately prior.

5 Q. At any time prior to that morning?

6 A. I don't recall that to be the first time I
7 saw him. I believe I had seen him prior to that when
8 I saw him.

9 Q. When you had seen him previously that
10 morning was he carrying a briefcase?

11 A. No.

12 Q. So do I have this right, you saw him for the
13 first time carrying a briefcase exiting the West
14 Wing, is that correct?

15 A. That's correct.

16 Q. Can you describe the briefcase?

17 A. I would describe it as a leather or vinyl
18 type briefcase, opening from the top, much in the
19 fashion of a litigator's bag or lawyer's briefcase,
20 with a strap over the top.

21 I would describe it as opening in a claim
22 shell fashion from the top.

1 Q. I am not quite sure how to ask this.

2 Leather is in various shades. Was it light or dark?

3 A. I was just going to add that the color of
4 the briefcase, as I recall, was a -- either a brown,
5 light brown or a tan color.

6 Q. Was there anything remarkable to you about
7 Mr. Livingstone's actions that you observed on that
8 morning?

9 A. He appeared to be somewhat despondent, or
10 perhaps upset at the news of Vincent Foster, as he
11 appeared to be like some of the other pass holders
12 that I had seen, not very happy, or --

13 Q. Okay. I take it you didn't speak with Mr.
14 Livingstone on any occasion that morning?

15 A. No, I did not.

16 Q. So this sense of unhappiness is really just
17 based upon observation of his demeanor, is that
18 correct?

19 A. That's correct.

20 Q. Would he normally have spoken to you? Was
21 it his practice to speak to you on other days when he
22 went back and forth to the West Wing?

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1 A. Exchanging greetings, good morning, good
2 afternoon, was common, yes.

3 Q. That didn't take place on the morning of the
4 21st, if you recall?

5 A. I don't recall specifically, no.

6 Q. At any other time that you saw Mr.
7 Livingstone on that morning, I think you testified
8 that you don't recall specifically, but you may have
9 seen him three or four times on that morning. Was he
10 carrying anything else?

11 A. I don't recall seeing him carrying anything
12 else, no.

13 Q. Did you recognize the briefcase that Mr.
14 Livingstone was carrying, had you seen it before?

15 A. No, I had not.

16 Q. I may have asked you this, Mr. Abbott, if I
17 have, I apologize. Let me just ask it bluntly. Why
18 do you remember this? What was unusual about this,
19 if anything, to you?

20 A. I don't know that it was unusual, other than
21 I was at a post in a position to observe individuals
22 that may have been exiting the West Wing carrying

1 items or in the accompaniment of other people, and
2 the --

3 Other than having been asked whether or not
4 I observed Craig Livingstone carrying anything, that
5 would be my reason for telling you, is that I was
6 asking -- answering your question.

7 Q. You make a good point, and I neglected to
8 ask. Was Mr. Livingstone accompanied by anyone when
9 you saw him that morning?

10 A. It was my impression at the time that, yes,
11 he was in the accompaniment of someone else.

12 Q. Who was he accompanied by?

13 A. I don't know the individual.

14 Q. Can you describe him or her?

15 A. It was a male, I would say approximately 21
16 to maybe 25 or '6 years old. A white male as I
17 recall. But white could also be Latin American or
18 Asian.

19 But I don't recall other than --

20 Q. You are certain it wasn't an African
21 American?

22 A. Yes.

1 Q. So, therefore, by white, the only thing we
2 are really excluding is African Americans, then,
3 right?

4 A. I would say yes.

5 Q. Was that individual with Mr. Livingstone
6 carrying anything?

7 A. Yes, he was.

8 Q. What was he carrying?

9 A. I observed that individual carrying one or
10 perhaps two boxes with what appeared to be, looked to
11 me to be looseleaf binders.

12 Q. When you saw that individual, is it clear to
13 you in your own mind that that individual was with
14 Mr. Livingstone? Were they walking together?

15 A. They were exiting. They were walking
16 together. And since I did not identify him
17 specifically as someone I recognized, it was my -- it
18 was my impression at the time that they were
19 together.

20 And given the access Mr. Livingstone had, he
21 could well be accompanying the individual. And it
22 was my impression at the time that he was.

1 Q. Had you seen this individual --

2 On how many occasions that morning did you
3 see this individual?

4 A. I believe that was the only time I saw that
5 individual, since I could not recognize the
6 individual.

7 Q. And I just want to see if the mental picture
8 I have of this is right.

9 You remember see seeing this individual and
10 Mr. Livingstone, apparently together, exiting the
11 West Wing, is that correct?

12 A. That's correct.

13 Q. And the individual whose name you don't know
14 was carrying one or perhaps two boxes. Am I right so
15 far?

16 A. That's correct.

17 Q. In those boxes you could physically see what
18 you have described as looseleaf binders, is that
19 right?

20 A. Stacked vertically that is what they
21 appeared to be.

22 Q. Did you see a color?

1 A. I would describe it as dark or black.

2 Q. Are you describing the box, or the binders?

3 A. The binders.

4 Q. Could you tell how many binders were in the
5 box or boxes that you saw?

6 A. No, I couldn't.

7 Q. Generally speaking, was it full or half full
8 or pretty empty? Are any of those terms accurately
9 descriptive?

10 A. The number of binders would be more than
11 one.

12 Q. Okay. Did you see any identifying marks at
13 all, either on the box or the binders?

14 A. No, I did not.

15 Q. At the time that you saw Mr. Livingstone
16 leaving with this individual and the individual
17 carrying this box or boxes, is that also the time
18 that you saw Mr. Livingstone carrying the briefcase?

19 A. Yes, that's correct.

20 Q. I take it you didn't stop that individual
21 and ask to look at the box or boxes?

22 A. That's correct, I did not.

1 Q. In your job you wouldn't normally do that,
2 would you?

3 A. Not at that location within the complex.

4 Q. Did you ever see that individual who
5 accompanied Mr. Livingstone again on that morning?

6 A. No, I don't recall having seen him again.

7 Q. To the best of your knowledge at that time
8 did that individual work in the West Wing of the
9 White House?

10 A. I didn't recognize that individual as a pass
11 holder.

12 Q. And you don't recall seeing a pass?

13 A. That is correct. If there was a pass, it
14 could have been displayed behind the boxes and I
15 didn't -- did not see it.

16 Q. Is a White House pass holder entitled to
17 bring non-pass holders into the West Wing? So even
18 if, for example, this individual didn't have a pass,
19 Mr. Livingstone would be entitled to escort him, if
20 that is what was happening?

21 A. That's correct.

22 Q. So on that basis, even though you didn't

1 recognize him, you didn't need to see a pass, have I
2 got that right?

3 A. That's correct.

4 Q. Did you see them actually exit the West Wing
5 of the White House?

6 A. The distance to the exit door on West
7 Executive Avenue from my post is approximately 50 or
8 60 feet. There are no other routes to go, or nowhere
9 else to go but out. And I don't recall them coming
10 back in at that time.

11 So the only place they could have gone is
12 out. And I didn't -- I don't recall seeing them
13 physically open the door and leave, although I don't
14 recall them coming back in. And there was nowhere
15 else for them to go but onto West Executive.

16 Q. So based on all of that, you assume they did
17 exit on West Executive?

18 A. That's correct.

19 Q. Where, when you first observed them
20 together, that is to say, Mr. Livingstone and this
21 individual whose name we don't know, where were they
22 coming from?

- 1 A. They were exiting off the elevator that is
 2 directly in front of the desk that I was sitting at.
 3 Q. That elevator, you were in the basement of
 4 the West Wing, is that correct?
 5 A. That is correct.
 6 Q. Does the elevator go below the basement?
 7 A. No, it does not.
 8 Q. But it does go up, I take it?
 9 A. Yes, it does.
 10 Q. How many floors does it go up?
 11 A. Two floors.
 12 Q. Do you have any way of knowing which floor
 13 they came from?
 14 A. No, I don't.
 15 Q. You didn't notice that the elevator started
 16 at 2 and didn't stop on 1 or anything like that?
 17 A. To answer your question whether I was able
 18 to, I would have if I had observed that fact. But I
 19 did not observe that fact. Yes, there are lights
 20 above the elevator, but I did not see that it came
 21 from 2 or 1.
 22 Q. I see. Now putting aside for a moment this

- 1 observation, had you seen Mr. Livingstone come or go
 2 prior to this observation on the morning of the 21st?
 3 A. Yes, I believe I did see him. But I don't
 4 recall how many times prior to that observation.
 5 Q. The other times that you did see him, was he
 6 accompanied by anyone?
 7 A. Not in the manner that I observed at that
 8 time.
 9 Q. At the time that you saw Mr. Livingstone
 10 with this individual carrying the box or boxes, Mr.
 11 Livingstone carrying the briefcase, do you know
 12 whether or not Maggie Williams had arrived at the
 13 White House that morning?
 14 A. No, I don't recall what time she arrived.
 15 Q. Do you recall seeing her at all on that day?
 16 A. Not specifically, no.
 17 Q. Based on everything you know is there any
 18 way today to know what time she arrived at the White
 19 House that morning?
 20 A. Not to my knowledge.
 21 Q. On the previous occasions when you had seen,
 22 occasion or occasions when you had seen Mr.

1 Livingstone enter the West Wing of the White House,
2 do you have any way of knowing where he went?

3 A. Not past the scope of observation from my
4 post, no.

5 Q. Where did you see him go?

6 A. On which occasion, the first or second?

7 Q. On occasions other than the time when you
8 saw him carrying the briefcase and the other
9 individual carrying the box.

10 A. One occasion that I can recall was he was
11 heading from left to right to the front of my post,
12 and that would be in the direction of --

13 It's somewhat hard to say, other than if you
14 were aware of the physical layout of the post and the
15 desk in which I was sitting. He was entering from
16 West Executive, which would be on my left, and
17 passing directly in front and proceeding down a
18 hallway which would have been directly on my right.

19 Q. What is down that hallway?

20 MR. FOLEY: Stop just for a second.

21 (The witness confers with counsel.)

22 THE WITNESS: From my memory, could you

1 repeat the question which you just asked me.

2 (The reporter read as follows.)

3 THE REPORTER: "Question. What is down that
4 hallway?"

5 A. There are, there is a stairway down that
6 hallway. And at that time, that day, there was the
7 office of administration down that hallway. There
8 are passages and other routes, i.e., the stairway
9 that could take someone up and to the upper lobby, to
10 the colonnade which leads to the mansion, or the
11 residence.

12 BY MR. JOHNSON:

13 Q. Okay.

14 A. There were several, a ground floor -- or on
15 the level that I was at, there were several others.
16 The photo office was also down that hallway.

17 But it's not a dead end, there is a stairway
18 that can lead to other parts of the complex.

19 Q. Let me ask you this, in your experience. If
20 an individual were entering the West Wing from the
21 West Executive Avenue and wanted to go to the White
22 House counsel's office, would they have proceeded, is

1 the most efficient direct route to go down the hall
2 way that you just described?

3 A. No.

4 Q. What route would you take as the most direct
5 route to the White House counsel's office?

6 A. The most direct route would have been, at
7 the post, turning left, for the individual to turn
8 left and proceeding down a hallway, which would have
9 been straight ahead of me or in front of me.

10 Q. Okay.

11 A. And at that point there would have been a
12 stairway, and those stairs would have to be taken to
13 the second floor of the West Wing.

14 Q. So is it safe to assume that when you saw
15 Mr. Livingstone walk by you on this one occasion from
16 left to right that we have been discussing, is it
17 safe to assume that he was not proceeding to the
18 White House counsel's office at that time? Or at
19 least not proceeding by the most direct route to the
20 White House counsel's office?

21 A. That's correct.

22 Q. Now you mentioned there were some other

1 offices down the hallway. Was Mr. Watkins' office
2 down that hallway to the right?

3 A. I believe it was. He was at that time, to
4 the best of my recollection, he was in the office of
5 administration. And it was, to the best of my
6 recollection, located down the hall in that
7 direction.

8 Q. So if an individual were entering the West
9 Executive, from West Executive Avenue and wanted to
10 go directly to Mr. Watkins' office, would that
11 individual have taken the route that you described
12 Mr. Livingstone having taken?

13 A. Yes, they would.

14 Q. Do you know where Mr. Livingstone went down
15 that hallway?

16 A. No, I don't.

17 Q. Do you know whether or not Mr. Watkins was
18 physically present in the White House at the time
19 that you saw Mr. Livingstone proceed down that
20 hallway?

21 A. No, I don't recall.

22 Q. I take it as you sit here today you just

1 don't know where he went when he went down that
2 hallway?

3 A. That's correct.

4 Q. Did you see him come back out of that
5 hallway?

6 A. I don't recall the next time I saw him and
7 where he was coming or going, no, I don't.

8 Q. I don't want to leave the topic of your
9 observations of Mr. Livingstone on that morning
10 unless we have now heard from you everything that you
11 saw.

12 Is there anything that we have missed in
13 connection with your observations of Mr. Livingstone
14 on the morning of July 21st?

15 A. No.

16 Q. You have said everything that you can think
17 to say about that?

18 A. Yes.

19 Q. Go ahead.

20 A. I would only say that on the matter of where
21 he came from, I have no way of knowing. When I saw
22 that observation that he was coming either from the

1 first floor or the second floor --

2 Q. You just don't know?

3 A. I just don't know, that's correct.

4 Q. Did you suspect at the time that Mr.
5 Livingstone was removing documents from Mr. Foster's
6 office?

7 A. No, I didn't have any reason to suspect that
8 at the time. No.

9 Q. That didn't occur to you at all?

10 A. No.

11 Q. But you thought the behavior was unusual in
12 some way, I take it?

13 A. I made a note of the observation of boxes
14 and briefcase and basically those items leaving the
15 West Wing in relation to the fact that Mr. Foster's
16 office was in the counsel's office, which was on the
17 second floor, and not that I knew or suspected they
18 were coming, those items were coming from his office,
19 only that I wanted to make a mental note of items
20 that were leaving the West Wing.

21 Q. Now at the time that you made these
22 observations of Mr. Livingstone, Mr. Martin had told

1 you that Park Police officers were coming to the
2 White House, is that correct?

3 A. That's correct.

4 Q. Do you recall whether or not Mr. Martin said
5 they are coming to search Mr. Foster's office, or
6 words to that effect?

7 A. I don't recall he said that. I just don't
8 recall that he said that to me.

9 I recall that it was in relation to the --
10 their investigation.

11 Q. Did you assume at that time that they were
12 coming over to go through Mr. Foster's office,
13 whether or not Mr. Martin said it?

14 A. I assumed they were either there to speak
15 with staff that worked in the area that Mr. Foster's
16 office was in or go through his office, that is
17 correct.

18 Q. Does your knowledge, did your knowledge on
19 that day that Park Police officers were coming over
20 in connection with Mr. Foster's death, was that one
21 of the contributing reasons to your making a note, as
22 you have described it, about Mr. Livingstone's

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1 activities on that day?

2 A. That's correct. Mr. Livingstone's
3 activities, to include the other gentleman and
4 carrying boxes with binders out of the West Wing.
5 That's correct.

6 Q. I don't mean to oversimplify this or put
7 words in your mouth, but let me see if I have got it
8 right.

9 Part of the reason that you thought to
10 notice the activities that you have described is your
11 understanding that the Park Police were coming, were
12 actually on their way to the White House at that
13 time, is that correct?

14 A. It was my opinion that a search of his
15 office had not been conducted, at least inasmuch as I
16 was aware Park Police was en route to come to the
17 West Wing.

18 I don't know that I can specifically
19 remember or know that the -- that a search had not
20 previously, or prior to that night or that hour of
21 the day, been conducted. I was not told that a
22 search had not been previously conducted of that

1 area.

2 Q. Okay. But assumed that when you were told
3 that the Park Police were coming over; was it your
4 assumption that a search had not yet been conducted?

5 A. Yes, it was.

6 Q. Just to be clear, because it's necessary to
7 be very clear here, you don't know that the materials
8 that you saw being removed came from Mr. Foster's
9 office or the White House counsel's suite, do you?

10 A. That's correct, I saw no identifying marks.
11 And I saw nothing -- and I did not recognize those as
12 materials that had previously been in that office.

13 Q. It's just that based on everything you know,
14 it's possible that they came from --

15 MR. BEN-VENISTE: This is really so
16 speculative.

17 MR. JOHNSON: I am just asking him he has
18 noted it as something that occurred to him and I am
19 just saying --

20 MR. BEN-VENISTE: What occurred?

21 MR. JOHNSON: -- that it was possible that
22 the documents had been removed from Mr. Foster's

1 office.

2 BY MR. JOHNSON:

3 Q. Did it occur to you that morning that it was
4 possible that the documents or materials you saw were
5 being removed from Mr. Foster's office?

6 A. It occurred to me that it could have
7 possibly, that's correct.

8 I had no prior knowledge of the whereabouts
9 of those items.

10 Q. Let me just go back because I want to be
11 very clear about this.

12 You don't know, of course, where they came
13 from?

14 A. That's correct.

15 Q. The question that I was trying to ask, maybe
16 I didn't say it right, is that based on everything
17 you do know, all you can say is that it's possible
18 that they came from that office?

19 A. That's correct.

20 Q. Now, Mr. Abbott, before I move off this and
21 into something else, I just want to be very certain
22 that I have gotten from you all of the factual

1 information that you observed that morning.

2 Is there anything that I don't know about
3 Mr. Livingstone's movements or your observations of
4 that morning?

5 A. The only other item to add to that is not an
6 actual observation, but the report of that
7 observation with respect to Mr. Martin.

8 Q. That is what I was going to ask you about
9 next. What happened next, I suppose is the way to
10 get to that.

11 A. When Inspector Martin, and I don't recall
12 for how long he was in the area, although he was
13 in -- he had accompanied the Park Police personnel
14 into the area where I was working.

15 At a point when he was not conversing with
16 them I stood up from behind the desk, walked around
17 in front of the desk and pulled Inspector Martin
18 aside to relay the fact that I had made that
19 observation of Craig Livingstone and another
20 unidentified gentleman and the boxes and the
21 briefcase, because Inspector Martin was an immediate
22 supervisor who was coordinating the efforts of the

1 Park Police in the complex at that time.

2 Q. Now when you reported this to Inspector
3 Martin was it your assumption that he would relay
4 that information to the Park Police?

5 A. No, it was not.

6 Q. Was it your intention that he relay --

7 A. No, it was not. In fact, my intention was
8 at that point to keep the information confidential,
9 and thereby my actions of sitting -- standing up,
10 pulling him aside and telling him in a manner that
11 wouldn't have been overheard, or shouldn't have been
12 overheard.

13 Q. Do you know whether or not it was overheard?

14 A. No, I do not.

15 Q. Let me segue out of this --

16 Let me ask you this before I do that. What,
17 if anything, to the best of your knowledge did
18 Inspector Martin do with the information that you had
19 given him?

20 A. I don't -- I don't know. He never told me
21 what he did with the information. I don't know.

22 Q. Even as you sit here today, you don't know

1 what, if anything, he did with that information?

2 A. That's correct, I don't know.

3 Q. As you sit here today do you know the
4 identity of the individual who was accompanying Mr.
5 Livingstone that morning?

6 A. To this day, no, I do not.

7 Q. Have you ever heard that anyone knows the
8 identity of that individual?

9 A. I have not heard, no.

10 Q. You don't have a wild guess or a name to
11 attach to that person?

12 A. No, I did not.

13 Q. What, if anything, happened further on that
14 day, Mr. Abbott, in connection with your observations
15 or the investigation of Mr. Foster's death, to the
16 best of your knowledge?

17 A. The -- for -- I don't recall how long, but
18 the Park Police personnel, I don't know their rank or
19 names, they stayed at that post for awhile. And,
20 "awhile," I could maybe say an hour, two hours. I
21 don't know for certain.

22 Much after that recollection of that

1 observation and what I told Inspector Martin, much of
2 the activity of the remainder of the day I don't
3 recall because nothing of any significance occurred
4 that I can say stands out in my mind.

5 Q. The Park Police remained physically near
6 your duty post for some period of time that morning,
7 is that correct?

8 A. That is correct.

9 Q. Did anyone come down and speak with the Park
10 Police that you could observe?

11 A. I observed Mr. Nussbaum speaking with them,
12 yes?

13 Q. I take it you couldn't overhear anything
14 that was said?

15 A. No, I could not.

16 Q. How long did Mr. Nussbaum speak with them?

17 A. I would say it was a brief conversation. It
18 maybe lasted five minutes, if that much. I don't
19 recall specifically.

20 Q. And Mr. Nussbaum I take it at some point in
21 time left and returned to wherever he came from, is
22 that right?

1 A. I don't know which direction he traveled
2 from there.

3 Q. Did the Park Police go with him?

4 A. I don't recall that they did, no.

5 Q. Were the Park Police agitated or angry, or
6 expression of any frustration that you could observe
7 that morning?

8 A. No, I don't recall any observation of their
9 actions. No.

10 Q. Let me just try and close out a couple
11 areas, Mr. Abbott. I take it that you don't have any
12 personal knowledge about whether or not anyone may
13 have entered Mr. Foster's office in the evening of
14 July 20th, 1993?

15 A. No, I don't have any personal knowledge of
16 anyone entering.

17 Q. You just don't know anything about that one
18 way or the other?

19 A. That is correct; no, I don't.

20 Q. What about in the early morning hours of the
21 21st, other than the facts and your observations that
22 we have talked about here today, do you have any

1 other knowledge relating to whether or not anyone
2 entered Mr. Foster's office on that morning?

3 A. No, I don't have any knowledge about anyone
4 entering in his office. No.

5 Q. Any other knowledge that we haven't touched
6 on relating to Mr. Foster's death or the
7 investigation of Mr. Foster's death --

8 A. No.

9 Q. -- to the best of your knowledge?

10 Let me ask the question more generally. Do
11 you know through any source, whatsoever, anything
12 more about Mr. Foster's death or the investigation
13 into Mr. Foster's death or the handling of the
14 documents in Mr. Foster's office than what we have
15 talked about here today?

16 A. No, I don't know any more.

17 Q. So if I were to waste your time and sit here
18 and ask you every question I could think of for the
19 next hour, you doubt I would learn anything you
20 haven't already told me, is that correct?

21 A. That's correct.

22 MR. JOHNSON: Let me just see. I may be

1 finished.

2 (Pause.)

3 BY MR. JOHNSON:

4 Q. Let me take just another minute of your
5 time, if you don't mind.

6 In your report to Officer Martin, do you
7 recall today whether or not you told him that Mr.
8 Livingstone was carrying a briefcase?

9 A. That was one of the two items that I had
10 reported to Inspector Martin that day.

11 Q. You have a specific recollection of
12 mentioning the briefcase to him?

13 A. That is correct.

14 MR. BEN-VENISTE: I am sorry, to
15 Inspector --

16 THE WITNESS: Inspector Martin.

17 MR. BEN-VENISTE: All right.

18 BY MR. JOHNSON:

19 Q. There came a time later in the summer of
20 1993 when press articles about your observations
21 began to appear.

22 Do you recall that time?

1 A. I don't recall them being as early as that,
2 no.

3 Q. Do you recall there ever being any articles
4 reporting the events that you observed that morning?

5 A. Yes, I do.

6 Q. I honestly don't know. Did any of those
7 identify you as a person who observed --

8 A. None that I read, no.

9 Q. On the occasion of those various articles,
10 did you have any conversations with anyone about the
11 articles or the underlying details set forth in the
12 articles?

13 A. Such as press reporters or --

14 Q. Well, I mean to include those, but not just
15 exclusively those.

16 Did you talk with any other Secret Service
17 personnel or anyone at that time?

18 A. I limited the conversation and the
19 information I relayed to Inspector Martin to Secret
20 Service personnel who had asked me to take part in
21 interviews for the independent counsel's
22 investigation.

1 Q. And let me just say at this point, it's
2 important that you not reveal to us in this context
3 conversations you may have had with the independent
4 counsel or representatives of the independent
5 counsel's office. We are not intending to inquire
6 about any inquiry they may have made of you, if any.

7 But around the press articles, for example,
8 did you and Officer Martin talk further about your
9 observations on the morning of July 21st when the
10 articles began to appear in the press?

11 A. I believe the focus of our conversations was
12 not on the articles but more over on the interviews
13 which were being conducted by the independent
14 counsel's, for purposes of correctness of
15 information.

16 Q. Did you happen to see Ms. Thomason in the
17 West Wing of the White House at all on the morning of
18 the 21st of July, 1993?

19 A. I don't specifically recall having seen her
20 there, no.

21 Q. Do you have happen to know a chap by the
22 name of Steve Johnson? Does that name mean anything

1 to you at all?

2 A. There is a Steve Johnson who is a Secret
3 Service uniform division official. That's the only
4 Steve Johnson that I know of.

5 Q. What is Mr. Johnson's responsibilities in
6 the White House complex, if you know?

7 A. I -- I don't know that he was even working
8 during that time.

9 I know that we have an official; his name is
10 Steve Johnson. I have not had conversations with
11 that individual and especially with reference to this
12 matter.

13 Q. I take it since July 21st, 1993, you have
14 never spoken with Mr. Livingstone about your
15 observations on that morning?

16 A. That's correct.

17 Q. Has Mr. Livingstone or his counsel, if he
18 has one, ever tried to contact you?

19 A. Not to my knowledge.

20 Q. As anyone else other than the possibility
21 that the independent counsel may have spoken to you
22 about this, has anyone else contacted you in

1 connection with your observations on that morning?

2 A. No.

3 MR. JOHNSON: Mr. Abbott, thank you very
4 much for your time and patience.

5 Mr. Ben-Veniste may have some questions.
6 When he is finished, I would like to say a word to
7 you about confidentiality at the end of the
8 deposition.

9 On behalf of myself, let me thank you for
10 your patience.

11 EXAMINATION

12 BY MR. BEN-VENISTE:

13 Q. Mr. Abbott, what is your present position?

14 A. I am an officer with the uniform division
15 Secret Service.

16 Q. And are you assigned to the White House?

17 A. Yes, sir, I am.

18 Q. So you have been assigned there since 1992.
19 But I don't think you gave a date in '92. When was
20 that that you were assigned?

21 A. I was reassigned from the K-nine branch back
22 to the White House, I believe it was June of 1992.

1 Or it could have been July 1st. I don't recall which
2 month.

3 Q. Where was the K-nine branch located?

4 A. Its offices, and administrative offices are
5 located at 1310 L Street, Northwest, Washington, D.
6 C.

7 Q. Where were you assigned while you were, were
8 you assigned to that office, or how did that work,
9 the four years you were in the K-nine --

10 A. Our offices were located, our K-nine office
11 was located in northwest D.C. on Donaldson Place.
12 Fort Reno is the location.

13 Q. You work out of that office?

14 A. That is correct.

15 Q. Then you would respond to requests, you
16 would do training, you would perform various
17 functions, but out of that headquarters?

18 A. That's correct.

19 Q. Did you have occasion to work at the White
20 House during that period --

21 A. Yes.

22 Q. -- for various assignments?

1 A. Yes, I did.

2 Q. What were the years you had been previously
3 assigned to the White House?

4 A. When I was appointed to the uniform division
5 it was January 5th 1991 -- correction, January 5th,
6 1981.

7 Upon undergoing six months of training I was
8 then assigned to the foreign missions branch. At
9 that time there was a mandatory branch rotation. If
10 you were assigned to the foreign missions branch, you
11 would then be reassigned after 18 months to the White
12 House and vice versa, from the White House to the
13 foreign missions branch.

14 So after the first 18 months of my -- upon
15 completion of my training I was at the foreign
16 missions branch. The remainder of the time after
17 that I was assigned at the White House, until 1988,
18 March, I believe, when I was appointed to the K-nine
19 unit.

20 Q. So then, from some point in '93 -- '83 to
21 '88 you were at the White House?

22 A. That is correct.

1 Q. Basically. And you had a number of
2 different assignments on the White House grounds
3 during that period of time?

4 A. That is correct.

5 Q. Very briefly, what is your educational
6 background?

7 A. I have a high school diploma, I have
8 approximately one hundred hours of college credits.

9 Q. Were you going to college during, are you
10 still going to college?

11 A. No, I am not.

12 Q. Were you, during July of 1993, taking
13 courses?

14 A. I don't think I was at that time. I was
15 taking some courses, perhaps it was '91, at Northern
16 Virginia Community College. Taking law enforcement
17 courses there. I don't believe I was at that time,
18 July of '93.

19 Q. You seem to be unsure about it.

20 A. At this point in time, and it had been quite
21 awhile ago since I attended Northern Virginia
22 Community College. I don't know the exact dates that

1 I was there.

2 I mean I -- no. To answer your question, I
3 don't believe I was in July of 1993.

4 Q. But you couldn't be certain?

5 A. That's correct.

6 Q. Okay.

7 A. I can now be certain that I wasn't, because
8 during the period of time that I was in the K-nine
9 unit, it was prior to that that I was attending those
10 classes.

11 Q. Oh, so it was well prior?

12 A. Well prior, yes, sir.

13 Q. So you had stopped going to those classes
14 roughly in what year?

15 A. 1987, perhaps. I don't know.

16 Q. '87?

17 A. '87.

18 Q. You had accumulated your hundred hours by
19 '87?

20 A. Prior to taking the job with the Secret
21 Service I had some credits that were transferred to
22 Northern Virginia Community College. So I did not

1 earn all one hundred credits at that time when I was
2 at that location. I had some prior.

3 Q. Were you working any other jobs or taking
4 any other courses of study in July of '93?

5 A. No.

6 Q. Did you have military service before you
7 joined the Secret Service?

8 A. No military service.

9 Q. So you came right out of high school?

10 A. No.

11 Q. I am sorry, then. What did you do between
12 high school and joining the Secret Service?

13 A. Prior to coming to the Secret Service I was
14 with the District of Columbia Fire Department, and I
15 worked as an emergency medical practitioner for three
16 years.

17 Q. And at that time you took some courses?

18 A. I think it was -- it was -- it was during
19 the period of time from being appointed in 1981,
20 because I was being reimbursed by the Secret Service
21 for those courses.

22 It was after I left the fire department but

1 before being appointed to the K-nine unit in 1988.

2 It was a period of time in there that I was taking
3 those courses.

4 Q. What sort of courses were those?

5 A. It was under the Administration of Justice
6 School in the Northern Virginia Community College.

7 Q. What sort of courses were they?

8 A. They were courses in physical security,
9 courses that related to some legal aspects of police
10 work and seminar classes that I could go to on the
11 weekends and pick up credits on the weekend.

12 Q. Any particular reason why you didn't finish
13 up with that toward a degree?

14 A. Particularly because of the location of the
15 school and my residence and the fact that I was at
16 that time married, or recently married and starting a
17 family. The time constraints between commuting and
18 family just precluded my finishing my education
19 there.

20 Q. Now the job of access control at the post
21 that you took up in the West Wing on July 21st, 1993,
22 if someone is coming from outside the White House

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1 grounds your post would not be the first point of
2 entry or check point for such a person, is that
3 correct?

4 A. That's correct.

5 Q. So if someone was coming from outside, how
6 would you be notified that they were to report to
7 your station for an additional check?

8 A. There is a computer network and a printer
9 that connects the perimeter posts that are the
10 initial check posts with the interior post which
11 would have been my post.

12 Q. Then an individual's name would appear
13 thereon so that you could check that person as
14 someone authorized to enter the West Wing?

15 A. That is correct.

16 Q. Would they be given some identification?

17 A. They would at the initial entry check post.

18 Q. That would be some sort of a coded badge?

19 A. Not necessarily coded, other than visual
20 display at that time.

21 Q. I meant coded by visual display. You would
22 know the distinction between the different types of

1 badges, but an outsider might not?

2 A. That is correct.

3 Q. And in July of '93, someone who was coming
4 from outside as a visitor, if that person had entered
5 the White House ground that wouldn't necessarily mean
6 that they had permission to enter the West Wing, is
7 that correct?

8 A. That is correct.

9 Q. Would that be a function of the badge, or a
10 combination of the badge and the printout that would
11 alert you to the fact that such a person would be
12 allowed entry to the West Wing?

13 A. It would be a combination of the printer and
14 the badge.

15 Primarily the function of the badge in its
16 display as to where the individual came from and
17 where they were authorized to go.

18 The printer was more a function of assisting
19 the interior post in helping an outside individual
20 get to an office or a location within the West Wing.

21 And myself and my job would have been to
22 facilitate by contacting a pass holder via the phone

1 and maintaining that individual at my location until
2 they were escorted from my location by an authorized
3 pass holder.

4 Q. Now in addition to access control I take it
5 from your testimony this afternoon that you really
6 didn't have an egress control function. That is,
7 people were free to leave once they had been admitted
8 to the White House without any sort of security check
9 or other check from you?

10 A. That is correct.

11 (Brief discussion off the record.)

12 MR. BEN-VENISTE: Is it okay to resume?

13 MR. JOHNSON: Yes, go ahead.

14 BY MR. BEN-VENISTE:

15 Q. I was talking about the morning of July
16 21st, 1993, when you first saw Craig Livingstone in
17 the West Wing. You had indicated you weren't sure
18 how many times you had seen him before the occasion
19 in which you saw him carrying a briefcase. Is that
20 correct?

21 A. That's correct.

22 Q. Do you think you saw him altogether

1 approximately four times?

2 A. Approximately, yes.

3 Q. The first time you saw him he was entering
4 through your guarded doorway?

5 A. I believe that was the first time I saw him,
6 was entering.

7 Q. Right.

8 A. From West Executive Avenue.

9 Q. And approximately what time was that?

10 A. It was approximately the time between, say,
11 7 and 8 o'clock. I don't know specifically when,
12 because the Park Police, as I recall, arrived
13 somewhere around 8 o'clock. But I don't specifically
14 know when.

15 But it was prior to their arrival --

16 Q. Prior to their arrival?

17 A. Yes.

18 Q. You put their arrival before, you thought,
19 at around 7:30?

20 A. The arrival of the Park Police?

21 Q. Yes.

22 A. I believe it could be between 7 and 8, I

1 think is what I may have stated.

2 Q. What is your best recollection? You
3 indicated that you thought initially it was before 7,
4 between 7 and 7:30, and then you indicated that it
5 possibly could have been as late as 8.

6 MR. JOHNSON: Richard, let me just say, I am
7 confused. And maybe if you are characterizing his
8 earlier testimony. I thought he placed his first
9 conversation with Officer Martin between 7 and 7:30.
10 But maybe I have got it wrong.

11 BY MR. BEN-VENISTE:

12 Q. So your first conversation with Officer
13 Martin was between 7 and 7:30?

14 A. That's correct.

15 Q. So did you see Mr. Livingstone before you
16 spoke to Officer Martin?

17 A. At this point my recollection of who I saw
18 first and at exactly what time, I cannot recall.

19 Q. Oh. Well, weren't you just saying that you
20 thought you saw Mr. Livingstone for the first time
21 after the Park Police had arrived?

22 A. No. I believe prior to the Park Police

1 arrival, that is when I saw Mr. Livingstone.

2 Q. Prior to?

3 A. That is correct.

4 Q. Okay.

5 A. They were not present when I saw Mr.

6 Livingstone exiting off the elevator.

7 Q. No, I am talking about when you first saw
8 Mr. Livingstone for the first time that day. We will
9 get to the exiting with the briefcase in a bit.

10 You indicated, if I am not mistaken, that
11 you had seen Mr. Livingstone that morning on one or
12 more occasions prior to the time that you saw him
13 carrying a briefcase. Is that so?

14 A. That's correct.

15 Q. Okay. So now I am asking you for the first
16 time that you recall seeing him, if you can relate
17 that to when you first saw the Park Police, please do
18 so.

19 A. Prior to seeing the Park Police.

20 Q. Okay. And was it also prior to a
21 conversation that you had with Inspector Martin?

22 A. Shortly before or shortly after, I don't

I recall.

2 But it was -- I don't recall specifically
3 whether I saw him, but it was not at a time when I
4 was speaking with Inspector Martin. I was by myself.
5 I saw Mr. Livingstone.

6 Q. Could you describe Mr. Livingstone, please?

7 A. Physical?

8 Q. Yes, physical.

9 A. White male, approximately five foot 12, or
10 five foot 11, six foot tall. I'd say 220 pounds.

11 Q. Heavyset, stocky?

12 A. Heavyset, stocky, yes.

13 Q. Muscular, athletic?

14 A. I wouldn't say so, no.

15 MR. JOHNSON: He would be so flattered at
16 the description.

17 BY MR. BEN-VENISTE:

18 Q. Eyeglasses?

19 A. No.

20 Q. Did you note what color hair?

21 A. Hair color was sandy brown to dark or
22 brunette.

1 Q. Mustache, or no?

2 A. No.

3 Q. What was he wearing on the 20th when you saw
4 him?

5 A. I don't specifically recall, other than it
6 appeared as if he may have been sleeves rolled up or
7 he wasn't in a business suit as I recall. He was
8 dressed more casually as I recall.

9 Q. So other than sleeves rolled up, do you mean
10 long sleeve shirt rolled up, sleeves?

11 A. I believe so, yes.

12 Q. Was he wearing a necktie or no necktie?

13 A. I don't recall.

14 Q. Was he wearing casual slacks or dress
15 slacks?

16 A. I would believe I recall him to wear more
17 dress slacks than kakke, casual slacks or corduroy
18 slacks. More suit attire, as I recall.

19 Q. So pants from a suit and a long sleeved
20 shirt rolled up with or without a necktie?

21 A. Yes.

22 Q. And dress shoes?

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1 A. I don't recall.

2 Q. Do you recall whether you saw him once, or
3 twice before the time that you saw him carrying a
4 briefcase?

5 A. No, I do not recall.

6 Q. So it could have been twice?

7 A. Yes, it could have been.

8 Q. It could have been more than twice?

9 A. I don't recall that it could have been, but
10 at this time I would say probably not.

11 Q. Probably not?

12 A. That's correct.

13 Q. And on the second occasion did you see where
14 he was going?

15 A. No, I don't recall.

16 Q. The first time you saw him he was coming in.
17 The second time had he left, or was he just walking
18 in the hall way?

19 A. I don't specifically recall the direction he
20 was going when I -- when I saw him.

21 Q. Was the second time you saw him after the
22 Park Police had arrived?

1 A. No, I believe it was prior to their arrival.

2 Q. So both the first and second time that you
3 saw Mr. Livingstone was prior to the Park Police
4 arriving, but you can't say whether it was before or
5 after you spoke with Inspector Martin?

6 A. Okay, I would say I had seen Mr. Livingstone
7 at least twice prior to speaking with Inspector
8 Martin.

9 Q. Twice prior to speaking with Inspector
10 Martin?

11 A. Uh-huh.

12 Q. Then the next time you saw him was after you
13 had spoken to Inspector Martin?

14 A. Yes.

15 Q. And after the Park Police had arrived?

16 A. Yes.

17 Q. You placed the Park Police as having arrived
18 somewhere in the range of 7:30 to 8 o'clock?

19 A. Could have been later.

20 Q. Could have been later?

21 A. Yes.

22 Q. How long was it between the time that

1 Inspector Martin told you that the Park Police were
2 going to be coming in and the time they actually did
3 come in?

4 A. I think it was -- it was approximately an
5 hour or an hour and a half. It was sometime later.
6 It wasn't immediately --

7 Q. Oh, okay.

8 A. I don't -- it's my recollection that he was
9 not en route to pick them up at the entry gate and
10 bring them in immediately. It was -- there was a
11 timeframe where he maybe was aware they were en
12 route, but had not arrived.

13 Q. Incidentally, is it the standard operating
14 procedure for a law enforcement officer who normally
15 carries a side arm to carry that side arm into the
16 White House if that person is invited to the White
17 House?

18 A. For an official function in full uniform,
19 yes, it is.

20 Q. These gentlemen as I understand it were in
21 plain clothes?

22 A. That is correct. So they could have been

1 escorted by someone such as Inspector Martin.

2 Q. But my question is whether it was the normal
3 procedure for such a law enforcement officer who
4 normally carries a side arm to carry that side arm
5 into the White House.

6 A. Normally we have lock boxes provided for
7 individuals, although there are certain individuals
8 who are identified by a badge display that are armed.

9 Q. I see. Did the badge display for the Park
10 Police officers that you observed that day indicate
11 that they were armed?

12 A. No, I don't recall. Only that they were
13 identified to me as being Park Police officers or
14 officials. And whether or not they were armed was
15 not, I was not immediately, or I don't recall being
16 made aware of.

17 Q. Were you subsequently made aware of it?

18 A. Not to my knowledge.

19 Q. This would be something that you would be
20 able to see on the basis of the coding of the badge
21 that they were wearing?

22 A. That is correct, if they were armed I would

1 have been able to tell that.

2 Q. Now that you think back on what you
3 observed, did you observe whether they had a coded
4 badge that reflected they were armed or not?

5 A. No, given the time I didn't make a -- I
6 can't recall that information, no.

7 Q. If a law enforcement officer is armed and
8 coming from the outside, obviously I am not talking
9 about the Secret Service, but I am talking about some
10 outside officer, do you take any more precautions
11 from a security standpoint than with an ordinary
12 visitor?

13 A. Yes. You would either secure their weapon
14 at the entry post and allow them to proceed without
15 their weapon, or identify them as law enforcement
16 carrying a weapon with the badge displays.

17 So those would be some of the precautions
18 taken.

19 Q. Once you would have such a person identified
20 as carrying a weapon, would you take any specific
21 additional precautions?

22 A. The escort that the individual would get or

1 the location in which they were allowed to proceed or
2 traverse throughout the complex might be limited to a
3 certain area in the general proximity of an officer
4 or a post.

5 Q. Well, at the West Wing it was not unlikely
6 that the president would be present.

7 A. His office is the Oval Office, which is in
8 the West Wing, correct.

9 Q. The President was in Washington on the 21st
10 of July, is that so?

11 A. I don't recall.

12 Q. Going to the issue of when you then saw Mr.
13 Livingstone with the briefcase, on the basis of your
14 recollection that it took about an hour from the time
15 that you were advised by your supervisor that they
16 were coming and placing the time of that notification
17 at 7:30 to, or so, that would mean at 8:30 at the
18 earliest the Park Police appeared at the West Wing,
19 is that so?

20 A. That's correct.

21 Q. And approximately how long thereafter do you
22 recall that you observed Mr. Livingstone with his

1 briefcase?

2 MR. JOHNSON: Thereafter what?

3 MR. BEN-VENISTE: Thereafter 8:30.

4 BY MR. BEN-VENISTE:

5 Q. It's your recollection, is it not -- you are
6 shaking your head. Is it your recollection that you
7 saw him carrying a briefcase before the Park Police
8 arrived?

9 A. That's correct.

10 Q. So you saw Mr. Livingstone at least three
11 times before the Park Police arrived, is that so?

12 A. No. When I was referring to twice, I was
13 also referring to the time I saw him with the
14 briefcase as one of those two times.

15 Q. Okay, I thought I had made my question
16 clearer.

17 So you saw him on two occasions prior to the
18 time that you saw the Park Police?

19 A. That's correct, best I can recall.

20 Q. The Park Police arrived at 8:30 or
21 thereabouts?

22 A. Again, I am not specific of the exact time

1 of arrival.

2 Q. About how long before you saw the Park
3 Police did you see Mr. Livingstone with a briefcase?

4 A. I would say it would have to be within that
5 hour or sometime within that hour, between
6 approximately 7:30 and 8:30.

7 Q. You can't be any more clear about that?

8 A. No, sir, not at this time, I can't.

9 Q. When you made your report, your oral report
10 to Inspector Martin, did you tell him what time you
11 had seen Mr. Livingstone with a briefcase?

12 A. Not the exact time because I didn't make a
13 note of the exact time other than it had occurred
14 between our previous or our initial meeting or
15 previous meeting or the time that I believe to have
16 been told by Inspector Martin that the Park Police
17 were en route and the time that they actually
18 arrived.

19 Q. Okay. Now did you say to Inspector Martin
20 that Mr. Livingstone was coming downstairs with a
21 briefcase, or did you tell him that he was coming off
22 the elevator with a briefcase?

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1 A. As best I can recall I told him that he was
2 coming off the elevator.

3 Q. Okay.

4 A. With the other gentleman.

5 Q. Do you recall your words, to the best of
6 your ability, I don't want to try to characterize
7 what you say, with the other gentleman, what do you
8 recall telling Inspector Martin?

9 A. I recall telling him that I had seen Craig
10 Livingstone carrying a briefcase and that he was with
11 a gentleman who was carrying, I don't recall if I
12 told him one box or two boxes, or what appeared to be
13 at least one box with a black or dark colored binders
14 in it.

15 And I didn't furnish any more information,
16 other than -- because I have to this point not --
17 don't recall seeing any other information regarding
18 the physical description other than what I have
19 previously mentioned. Basically that was all.

20 I didn't say that he should confront or ask
21 Mr. Livingstone what he had. I did want to make it
22 aware -- or make my immediate supervisor aware that I

1 had observed the --

2 Q. What I am asking you now is what you recall
3 having told him.

4 So you said you had observed Mr. Livingstone
5 and another man who was carrying one or two boxes
6 with dark or black binders. Did you tell him
7 anything else?

8 A. I don't recall that I told him anything
9 else.

10 Q. Let me help you. You said that you told him
11 that he was coming off the elevator?

12 A. That's correct.

13 Q. You recall using those words?

14 A. To the best of my recollection I, rather
15 than saying he was coming off the stairs, provided
16 the information that I saw him on the elevator,
17 coming off the elevator.

18 Q. You told him you saw him coming off the
19 elevator?

20 A. That's, that's my recollection, yes, sir.

21 Q. Okay. Now you have indicated that you
22 pulled Inspector Martin aside to have this

1 conversation with him?

2 A. That's correct.

3 Q. And because you wanted this conversation to
4 be private and confidential, you didn't want anyone
5 else to overhear it, is that correct?

6 A. That's correct, staff and others.

7 Q. That was the purpose?

8 A. Yes, sir.

9 Q. So where were you standing? Were you
10 sitting at a desk that morning?

11 A. Yes, I was.

12 Q. And did you stand up to talk to the
13 Inspector?

14 A. Yes, I did.

15 Q. Where did you stand?

16 A. I walked from behind the desk, in front of
17 the desk and to the left of the desk, taking him away
18 from the immediate front of the desk which is closer
19 to the proximity of the bench or couch, where I
20 believe at the time the Park Police were. And
21 essentially to be as close as I could, rather than to
22 speak from behind the desk, but rather face to face

1 with him.

2 Q. Right.

3 A. To ensure that the information was kept
4 between the two of us.

5 Q. Now I don't think you mentioned in the
6 accounting exactly what you said to the Inspector
7 that Mr. Livingstone was carrying a briefcase. But
8 did you impart that information to him, as well?

9 A. I believe I did, yes.

10 Q. Did you describe the briefcase to him?

11 A. I don't recall if I gave him a physical
12 description of the briefcase, other than to say a
13 briefcase.

14 Q. And when you had pulled Inspector Martin
15 aside to speak to him privately, how far away were
16 you now from the Park Police officers?

17 A. I was focused on getting the inspector's
18 attention, and I was focused on moving away from the
19 desk so that we could keep it separate.

20 My focus of attention wasn't on exactly the
21 position or whether they were both sitting on the
22 couch or one was sitting and one was standing, but

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1 the proximity of where I had the conversation to the
2 couch if they were on the couch, my guess would have
3 been 15 or 20 -- I will say 20 feet, approximately.

4 Q. Did you speak in a modulated voice so as to
5 ensure that no one passing by would overhear you?

6 A. That was my intent to do that, yes.

7 Q. And the conversation that you had with
8 Inspector Martin, how long did that take?

9 A. It was brief and it could have lasted a
10 minute or a minute and a half.

11 Q. When you said that this other gentleman was
12 carrying a box, did you volunteer that you did not
13 know the other gentleman?

14 A. Yes, I believe I told him that I did not
15 notice -- I did not recognize or could not identify
16 that other individual at that time when I spoke to
17 him.

18 Q. Did he ask you any questions about the other
19 individual?

20 A. No, he did not.

21 Q. Or any description?

22 A. Not to my -- I don't recall him asking me to

1 describe the individual, no.

2 Q. Did he ask you whether the individual was
3 wearing some sort of a pass?

4 A. He to my knowledge -- he did not ask me, I
5 don't recall him asking me that question.

6 Q. So essentially are you saying that he really
7 did not ask you any questions?

8 A. That is correct.

9 Q. So you imparted the information. Did
10 Inspector Martin make a note of the information in
11 your presence?

12 A. No, I don't -- no, he didn't.

13 Q. Are you aware of whether he made a note
14 outside your presence?

15 A. I am not aware that he did.

16 Q. So up until today, you have no information
17 to suggest that he either wrote a report or made any
18 other notation of the information that you provided
19 to him?

20 A. That's correct, I am unaware.

21 Q. You did not make a report, is that correct?

22 A. That's correct.

1 MR. JOHNSON: You mean a written report?

2 MR. BEN-VENISTE: Yes.

3 THE WITNESS: That's correct, a written
4 report.

5 BY MR. BEN-VENISTE:

6 Q. The only report that you made in July of
7 1993 was as you have described in the very short
8 conversation that you had privately with Inspector
9 Martin, correct?

10 A. That's correct.

11 Q. Now were you subsequently interviewed by
12 anyone at the Secret Service regarding what you had
13 observed on the 21st of July, up until today?

14 A. No, I have not.

15 Q. And have you been interviewed by the FBI?

16 A. Yes, I have.

17 Q. When for the first time?

18 A. The specific date I am not sure, although it
19 was during the -- it was during the Fiske independent
20 counsel's inquiry that I spoke with the FBI. It was
21 approximately nine months from that, date of that
22 occurrence, July 21st, 1995, it was approximately

1 nine months. The specific date of my first interview
2 I don't recall.

3 MR. JOHNSON: Could you read the question
4 preceding the last answer?

5 (The reporter read as follows.)

6 THE REPORTER: "Question. Now were you
7 subsequently interviewed by anyone at the Secret
8 Service regarding what you had observed on the 21st
9 of July, up until today?"

10 "Answer. No, I have not.

11 "Question. And have you been interviewed by the
12 FBI?"

13 "Answer. Yes, I have.

14 "Question. When for the first time?"

15 BY MR. BEN-VENISTE:

16 Q. So approximately nine months after the event
17 you were interviewed for the first time by the FBI?

18 A. That's correct.

19 Q. Were you interviewed by anyone from the
20 Department of Justice?

21 A. No, I was not.

22 Q. You indicated that you had testified before

1 a grand jury and that was --

2 MR. JOHNSON: Don't we have an understanding
3 about inquiry into that?

4 MR. BEN-VENISTE: I am not inquiring.

5 I am asking whether you testified before a
6 grand jury. And I take it that that was some time
7 subsequent to your interview by the FBI.

8 MR. JOHNSON: Well, I mean you can ask the
9 question. I thought we specifically --

10 MR. BEN-VENISTE: I am not going to go into
11 what he was asked, I am just trying to fix the time
12 for the interviews.

13 MR. JOHNSON: I understand. It's my
14 understanding we weren't to inquire even about the
15 fact of grand jury testimony.

16 But, if you have a different understanding.

17 A. During -- the grand jury testimony that I
18 gave --

19 MR. FOLEY: All he is asking for is the
20 date, when did you testify before the grand jury, if
21 I understand your question, counsel.

22 MR. CLANCY: Not the content.

1 (The reporter read as follows.)

2 THE REPORTER: "Answer. The specific date I
3 am not sure, although it was during the -- it was
4 during the Fiske independent counsel's inquiry that I
5 spoke with the FBI. It was approximately nine months
6 from that, date of that occurrence, July 21st,
7 1995 --"

8 MR. BEN-VENISTE: You meant to say '93?

9 THE WITNESS: Yes.

10 BY MR. BEN-VENISTE:

11 Q. Is that your intention?

12 A. That was my intention.

13 Q. Your interview was nine months from July?

14 A. That was my intention.

15 Q. Okay.

16 A. To answer your question about the grand
17 jury.

18 Q. Yes.

19 A. It was a Wednesday, approximately two weeks
20 from this past Wednesday.

21 Q. So in other words, you did not testify
22 before the grand jury in connection with the Fiske

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1 interviews?

2 MR. FOLEY: Answer.

3 A. That's correct.

4 BY MR. BEN-VENISTE:

5 Q. Now you indicated that you had a
6 conversation at around the time the FBI was
7 interviewing you pursuant to the -- the inquiry by
8 special counsel, Bob Fiske, that you had a
9 conversation with Inspector Martin for purposes of
10 correctness, is that correct?

11 A. That's correct.

12 Q. Who else was present?

13 A. That was a phone conversation. It was the
14 two of us, no one else.

15 Q. What was the substance of that conversation?

16 A. That the, the line of questioning was around
17 the fact that I had spoken with him, and in a
18 confidential conversation we had passed on the
19 observation that I had made, and to be more specific
20 at this time I can't recall why, what additional
21 discussion we had.

22 Q. Who called whom, did Inspector Martin phone

1 you?

2 A. I believe I phoned him in that it was the
3 first time that I had mentioned his name to the --

4 Q. The FBI?

5 A. The FBI, yes, sir.

6 Q. And so you wanted to alert him to the fact
7 that you had mentioned his name?

8 A. Yes, basically that's correct.

9 Q. Did you tell him what you had talked about
10 to the FBI?

11 A. With regard to the observation of Craig
12 Livingstone, that's correct.

13 Q. You were giving him a heads up because it
14 was likely that they would interview him on the basis
15 of what you had told them?

16 A. I believe at that time he had already spoken
17 with them, but I am not certain. We were both being
18 interviewed.

19 Q. You talked about the private conversation
20 that you had outside the presence of the Park Police
21 officers, correct?

22 A. That's correct.

1 Q. What did Inspector Martin say?

2 A. He either -- confirmed that he had also told
3 them that he had a conversation with me in his
4 interview, basically stating that he had made mention
5 of the fact that I had made that contact with him to
6 me.

7 Q. He had made mention of it where?

8 A. In -- during his interview with the FBI.

9 Q. So you were comparing notes about your FBI
10 interviews, basically?

11 A. Not specifics in what he did, because there
12 were -- it was only a matter of bringing up the
13 observation that I had with him.

14 Q. Well, when you first described the
15 conversation to Mr. Johnson who questioned you
16 earlier, you said that the conversation you had with
17 Mr. Martin was for purposes of correctness, but you
18 had already both been interviewed.

19 A. I -- again, I had mentioned that I don't
20 know whether he was interviewed prior to or if I was
21 alerting him to the fact that I was mentioning his
22 name.

1 I don't recall if he at that point said I
2 have already spoken with them and I am aware that,
3 you know, they -- because I asked, or they asked him
4 about me and my conversation with him.

5 Q. You have no question in your mind, however,
6 that you did not have a conversation with the Park
7 Police about what you had observed on July the 21st,
8 1993 correct.

9 MR. JOHNSON: Are you asking whether he had
10 a conversation on that day, or whether he ever had a
11 conversation?

12 MR. BEN-VENISTE: Well, on July 21st.

13 A. That's correct. If -- there was no
14 conversation other than perhaps exchanging good
15 morning and how are you. I at no time was asked or
16 mentioned to them about my observation.

17 BY MR. BEN-VENISTE:

18 Q. Now when you first made your report to the
19 FBI about this event, do you recall what time you
20 said you thought you saw Mr. Livingstone with the
21 briefcase exiting the West Wing?

22 A. I don't recall on the first interview what

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1 time I mentioned, no.

2 Q. Or the second?

3 A. I -- whether it was the first or second or
4 third interview, I don't recall exactly, although I
5 seem to recall having put the time somewhere between
6 7:30 and 8:30. But --

7 Q. Was there ever an occasion when you gave a
8 different time and later corrected it?

9 A. That is correct, I believe there was a time.
10 But I don't recall which interview it was.

11 Q. Tell me what you recall about the difference
12 in your recollections.

13 A. I seem to recall that I may have set the
14 first time I saw Mr. Livingstone to be at
15 approximately 6:50 hours, which would have been
16 shortly after assuming the post.

17 I later recounted that I am not certain
18 whether it was, to say nine months after the fact
19 when I was first interviewed, or whether -- I was
20 interviewed after the first interview or second
21 interview, whether or not that time could be
22 accurate, given the amount of time that had

1 transpired, to say that it was 6:50. I wished to
2 state that it could have been later.

3 Q. All right. So let me understand what you
4 are saying.

5 Is it correct that when you first reported
6 this event to the FBI that you stated in substance
7 that you saw Mr. Livingstone with his briefcase at
8 approximately 6:50 a.m.?

9 A. I don't recall that that was the first
10 interview.

11 I do recall having subsequently told the FBI
12 that the time could have been later than originally
13 stated. I don't know that I originally stated it as
14 6:50 with the briefcase, no.

15 Q. Well, I am trying to get to what you
16 originally stated.

17 A. Uh-huh.

18 Q. And then get to the revision.

19 A. Uh-huh.

20 Q. Your present testimony and recollection is
21 that it was between 7:30 and 8:30, correct?

22 A. Correct.

1 Q. Now I am asking you whether you had told the
2 FBI at some point that you thought it was at 6:50
3 that you saw Mr. Livingstone with the briefcase.

4 A. That's correct.

5 Q. When did you then tell the FBI that you
6 thought it might be later?

7 A. It would have been the second or third
8 meeting with the FBI, not the initial first recount
9 that I --

10 Honestly, I, without referring back to what
11 I said at -- whether it was the first and initial
12 meeting, that later in the meeting I revised it, or
13 if it was a subsequent trip back in a subsequent
14 interview whether I revised it. I don't recall at
15 what point.

16 Q. Do you know that you gave one time and then
17 later revised it to make that later?

18 A. Yes, because I was more comfortable with
19 being -- pinpointing a specific time as being
20 earlier.

21 Q. Well, did you, when you later revised your
22 recollection of the event to make it a later time,

1 was that later time between 7:30 and 8:30, or was it
2 some other time?

3 A. I believe 7:30 and 8:30, although I might
4 have said between 7 and 8 o'clock.

5 It -- in itself the FBI interview was some
6 time ago, and I am not certain whether it was --
7 which half hour, in which direction I revised that
8 answer.

9 Q. Had you learned between the time that you
10 gave the FBI the 6:50 time and the time that you
11 revised your estimate of when you saw Mr. Livingstone
12 with his briefcase from any source what time Mr.
13 Livingstone arrived at the White House on the 21st?

14 A. No, I don't recall being told or given that
15 information.

16 Q. You never received information from any
17 source about what time Mr. Livingstone arrived at the
18 White House on the 21st of July, 1993?

19 A. The FBI --

20 Q. Is that your testimony?

21 A. The FBI in the course of one of the
22 interviews, and I don't recall which one, stated to

1 me that they had information that Mr. Livingstone
2 arrived at a specific time.

3 Q. What was that time?

4 A. I don't recall at this point what time they
5 told me.

6 Q. Was it a time after 6:50 a.m.?

7 A. Yes.

8 Q. Approximately what time was it that the FBI
9 told you that Mr. Livingstone arrived at the White
10 House?

11 A. It was 8 - something. Whether it was 8:30,
12 8:13, 8:03, I don't recall.

13 Q. So it was 8 and something with a 3 in it?

14 A. I believe that's correct, yes.

15 Q. So 8:03, 8:13 or 8:30 is what you recall the
16 FBI telling you about what they knew about when Mr.
17 Livingstone first arrived at the White House?

18 A. That's correct.

19 Q. So then, it appeared to you impossible for
20 you to have seen him at 6:50 carrying a briefcase out
21 of the West Wing, is that fair to say?

22 A. Well, at that point in time I didn't know

1 the source of their information. I didn't know
2 that -- it to be accurate or didn't have any way of
3 substantiating what they were telling me.

4 So I -- I don't recall at what point I had
5 told them I -- the timeframe that I saw Mr.
6 Livingstone, whether it was before they told me they
7 knew he had arrived in the complex at a certain time
8 or after that. I don't know at what point I told
9 them.

10 Q. You revised your estimate on the basis of
11 information that they provided you about when he was
12 there?

13 A. No, that's not correct. I was revising it
14 based on the amount of time that had elapsed from the
15 incident or the observation took place until the time
16 I was initially interviewed.

17 Q. I see. So you revised the time of 6:50 to
18 8:30 because it was nine months from the time that
19 you had observed this event?

20 MR. FOLEY: I think you are
21 mischaracterizing his testimony. He has never said
22 that he saw the briefcase at 8:30, as far as I can

1 recall.

2 THE WITNESS: That's right.

3 BY MR. BEN-VENISTE:

4 Q. You never told the FBI that it might have
5 been at 8:30 that you saw the briefcase with Mr.
6 Livingstone?

7 A. I was trying to emphasize the fact and not
8 say that at 8:30 I saw him, but that it could have
9 been between 7:30 and 8:30, rather than between 6:50
10 or at 6:50.

11 I was making a point of emphasizing the fact
12 that when I was first interviewed it was nine months
13 after it had occurred. And I was not -- I felt as if
14 I was being asked to recount an occurrence which I
15 did not document, made no notes of or report of, but
16 was going acting solely on a mental recollection of
17 an occurrence.

18 Q. So let me ask you this about the procedures
19 for the Secret Service uniform division. Is there
20 some form or report that you may fill out for some
21 unusual incident or occurrence?

22 A. We have standard report forms for reporting

1 incidents, that's correct.

2 Q. How is an incident defined?

3 A. There could be many actions or occurrences
4 that take place that define an incident that would be
5 reported on.

6 Q. Are you familiar with any sort of definition
7 of what an incident is for purposes of filling out
8 these forms?

9 A. I'm not currently prepared to give you a
10 definition of what constitutes an incident
11 reportable.

12 Q. Is that because you are restricted from
13 doing so, or you simply don't have a definition in
14 mind?

15 A. Simply because I don't have a definition in
16 mind.

17 Q. Have you filled out incident reports in the
18 past?

19 A. Yes, I have.

20 Q. And it is correct that you did not fill out
21 an incident report about the July 21st incident?

22 A. That is correct.

1 Q. Now you indicated that you came on duty on
2 the 21st at approximately 5:30. What time did you
3 arrive at the White House on the 21st?

4 A. I arrived at -- if it were the normal time,
5 I would have arrived to attend a 6:30 roll call, I
6 would have arrived at approximately 5:30 in order to
7 prepare by getting dressed and getting in my uniform.

8 Q. So you normally leave yourself an hour
9 leeway between arrival and reporting for the roll
10 call?

11 A. That's correct.

12 Q. But as for the 21st, itself, I take it you
13 have no specific recollection?

14 A. That's correct.

15 Q. Can you say what shift you worked on the
16 20th, or whether you worked at all on the 20th?

17 A. I cannot at this time recall my assignment
18 that day.

19 Q. Do you know that you actually worked on the
20 20th, as opposed to taking a leave day or whether --

21 Do you recall whether or not you worked on
22 the 20th?

- 1 A. No, I do not.
- 2 Q. Have you ever worked night shift and then
- 3 day shift, two shifts?
- 4 A. No.
- 5 Q. That is not permitted, is that correct?
- 6 A. That's correct.
- 7 Q. So it's quite clear that, at most, you would
- 8 have worked another day shift the day before?
- 9 A. Given the day of the week, that's correct.
- 10 Q. And you had no part-time job or other time
- 11 obligation in July of 1993 other than normal family
- 12 responsibilities?
- 13 A. That is correct.
- 14 Q. Was there any sort of a sign-in book at your
- 15 station in the West Wing as you maintained it on July
- 16 21st, 1993?
- 17 A. For myself, or for appointments? I am not
- 18 sure I understand signing in --
- 19 Q. For persons other than yourself.
- 20 A. No, there is not.
- 21 Q. Did you have a book that you signed in when
- 22 you came on duty?

- 1 A. No, I did not.
- 2 Q. So there was no sign-in, either internally
- 3 for Secret Service procedures or purposes, or for
- 4 recording outsiders or visitors?
- 5 A. That's correct.
- 6 Q. Now with respect to the unidentified man who
- 7 was accompanied, I wrote down your term, was in the
- 8 accompaniment of Mr. Livingstone, you saw the two of
- 9 them exit from the elevator on the 21st, correct?
- 10 A. That's correct.
- 11 Q. And you have described the other individual
- 12 as being a young man, 20 to 25 years of age?
- 13 A. I think I said 21 to 25.
- 14 Q. Okay. What color hair did he have?
- 15 A. I can't at this time recall.
- 16 Q. What color eyes?
- 17 A. I can't recall.
- 18 Q. How tall was he?
- 19 A. At the time I believed he was at
- 20 approximately the same height I had described Craig
- 21 Livingstone. They were both approximately equal
- 22 size.

- 1 Q. About six feet tall?
2 A. Five-eleven, six feet, approximately.
3 Q. Okay. And how about weight, was he as
4 heavysset as Mr. Livingstone?
5 A. No.
6 Q. Can you describe his build?
7 A. His build was thinner than Mr. Livingstone,
8 although because of the items that were being carried
9 I did not get a very full picture of his frame as he
10 was exiting and turning towards me.
11 Q. So he exited, turned toward you and walked
12 about how many steps until he got past your station?
13 A. From the elevator it would be approximately
14 five or six steps, and then they would be heading
15 away.
16 Q. So both of them headed out the exit door,
17 down the hall way to the exit?
18 A. That's correct.
19 Q. You did not see them actually go through the
20 exit, but you assume that they exited the building?
21 A. That's correct.
22 Q. Now how was the unidentified man dressed?
-

- 1 A. As I recall he was dressed similarly, with
2 just a shirt, rather than being in a business suit or
3 attire such as a business suit.
4 Q. Were his sleeves rolled up?
5 A. I at the time was focused more on what he
6 was carrying than his sleeves. And I don't recall
7 whether he had rolled up sleeves.
8 Q. Was he wearing a necktie?
9 A. Again, being as he was carrying in front of
10 him the boxes or box, I didn't take notice of a
11 necktie.
12 Q. Did you make any effort to see whether he
13 was wearing a security badge?
14 A. No, I did not stop him.
15 Q. Did you make any effort to try to see
16 whether he was wearing a badge, other than stop him?
17 A. The attempt to see a badge was precluded,
18 or -- because of the items that were carried. If he
19 were displaying a badge it would more than likely
20 have been behind the boxes. Therefore, I did not --
21 Q. But you didn't sort of try to look to the
22 side to see between the boxes and his person whether

- 1 he was wearing a badge?
2 A. No, I don't recall doing that.
3 Q. And what about his slacks, was he wearing
4 jeans, or dress slacks?
5 A. I don't recall.
6 Q. What did you notice about him?
7 A. I don't recall taking notice of what type of
8 slacks he had on.
9 Q. Was he speaking to Mr. Livingstone in your
10 presence?
11 A. I observed what appeared to be a
12 conversation beyond and while they were en route to
13 the exit. However, I did not overhear any of that
14 conversation.
15 Q. You thought they might be speaking?
16 A. I observed one -- I observed that individual
17 that I cannot identify as saying something, as I
18 recall. But I just saw facial movement.
19 Q. So --
20 A. To --
21 Q. -- you didn't actually hear any sound?
22 A. That's correct. I heard nothing.
-

- 1 Q. You just saw what you took to be the facial
2 movement of speech?
3 A. Correct.
4 Q. They were now walking with their backs
5 toward you?
6 A. That's correct.
7 Q. Was the door open or did it require a push?
8 MR. JOHNSON: What door are you talking
9 about?
10 MR. BEN-VENISTE: The exit.
11 Oh, you didn't see them actually exit, so I
12 withdraw that question.
13 BY MR. BEN-VENISTE:
14 Q. Did something else get your attention so
15 that you turned away from them before they left the
16 building?
17 A. No, I don't recall that I was turned away
18 from seeing them depart. No, I don't recall.
19 Q. But you just went on to doing something else
20 before the point that they would have left the
21 building?
22 MR. JOHNSON: He testified earlier that he

1 can't see the exit from where he was.

2 MR. BEN-VENISTE: Go ahead. I am sorry if

3 I --

4 A. The exit is down the hall, through two
5 double doors that act as a wind block or such, and
6 slightly off center from looking straight down the
7 hall.

8 Therefore, if they got past those two doors
9 that are the wind block in the hall way, it's very
10 difficult, unless you are specifically watching
11 someone make that shift in the hall way, to go out
12 the exit doors.

13 BY MR. BEN-VENISTE:

14 Q. Was there anywhere else to go once you get
15 through those wind doors?

16 A. No.

17 Q. So they would either have to come back in or
18 go out?

19 A. That's correct.

20 Q. Did you see them go through the wind doors?

21 A. I don't recall whether the doors were open,
22 as sometimes they are in an open position, or whether

1 they were secure or closed. It just requires a push.

2 They are not locked doors and do not have doorknobs.

3 Q. My question really goes to whether you had
4 turned your attention to something else prior to the
5 time that they had reached that point in the
6 passageway where the wind doors are located.

7 A. It's my recollection that when I saw what
8 appeared to be a conversation, it took place prior to
9 those doors. And then at that point, I don't recall
10 why, but I don't recall any more of what they did
11 after that point.

12 Q. They were walking in double file?

13 A. I believe they -- they were walking side by
14 side, as I recall.

15 Q. And from anything that you were able to
16 gather, they were not far from the door at the point
17 that you noticed what appeared to be facial movements
18 indicating conversation?

19 A. They were in the vicinity of the wind block
20 double doors.

21 Q. So could you say with any certainty that
22 what you observed to be the conversation was anything

1 other than an individual carrying the two boxes
 2 asking Mr. Livingstone if he wouldn't mind getting
 3 the door?

4 A. That's correct, I cannot say other than
 5 that.

6 Q. And other than that, the fact that they had
 7 exited the elevator at the same time and walking the
 8 same direction, is there anything else that in your
 9 mind associated the two of them as being, quote,
 10 together?

11 A. No, that would be all.

12 Q. You have indicated that you were unaware
 13 whether they got on the elevator on the same floor.

14 A. That's correct.

15 Q. So it's possible one got on the first floor
 16 and the other got on the second?

17 A. That's correct.

18 Q. And in addition to that --

19 Let me back up and ask, are there only two
 20 floors up in the West Wing?

21 A. That's correct.

22 Q. Let me ask you about the gentleman who was

1 six feet tall who was with Mr. Livingstone.

2 You have indicated that you thought he might
 3 be Caucasian or he might be Oriental or he might be
 4 Latino, correct?

5 A. That's correct.

6 Q. Hispanic?

7 A. That's correct.

8 Q. You are unable to, with any more precision,
 9 provide any more guidance or detail as to who he was?

10 A. No, I am not.

11 Q. Did you make any effort to determine where
 12 the two men or each of them went from the point that
 13 they left your station?

14 A. No, I did not.

15 Q. Were you equipped with a radio?

16 A. Yes.

17 Q. That day?

18 A. Yes, I was.

19 Q. Would it have been possible for you to radio
 20 to a fellow uniform Secret Service employee to see
 21 whether they might observe where these individuals
 22 were going?

- 1 A. It would have been possible, yes.
2 Q. You did not elect to do so?
3 A. That's correct.
4 Q. Now the box or boxes, let's get to that.
5 What sort of a box are you recollecting that the
6 unidentified man was carrying?
7 A. A brown, it appeared to be a cardboard box.
8 Q. Sort of like a grocery box?
9 A. Yes. Yes.
10 Q. The kind that you might see in the grocery
11 store that had soup cans in it or the kind that would
12 be larger than that?
13 A. I would say the kind that would have soup
14 cans in it, not larger.
15 Q. Not very large?
16 A. That's correct.
17 Q. Did it appear to have any handles or
18 indentations, or was it flat-sided?
19 A. I didn't take notice of any handles for
20 grabbing a hold of the boxes, but it did appear to be
21 flat-sided.
22 Q. And there was no cover or lid to the box, is
-

- 1 that correct?
2 A. That's correct.
3 Q. Again, on the issue of whether there was one
4 or two, what is your best recollection as you testify
5 here today?
6 A. Because I noticed the top of the box was
7 what appeared to be the binders and saw that. I
8 don't recall whether there was a similar box
9 underneath.
10 In other words, the individual was carrying
11 with his hands extended what could have been a -- one
12 long box with the binders sticking up from the top,
13 or two boxes. I just don't recall. I was seeing
14 that --
15 I saw what appeared to be a cardboard box
16 with binders. And I to this day don't recall whether
17 there were two or one.
18 Q. What makes you think there might have been
19 two?
20 A. Because the binders appeared to come to the
21 upper torso of the gentleman or below, slightly below
22 his shoulder level of the individual. That's what I

1 believe to have seen.

2 The individual may have been hoisting them
3 higher, or if his arms were fully extended it could
4 have been that there were two boxes to bring those
5 binders to the height that I described at
6 approximately his upper torso.

7 Q. But you cannot say that you observed whether
8 there were, in fact, two boxes?

9 A. That's correct, I don't recall.

10 Q. And did the unidentified individual seem to
11 have any difficulty in managing to carry this burden?

12 A. No, I don't recall seeing a difficulty.

13 Q. Did he appear to strain or have any sort of
14 a different gait in his walk as a result of carrying
15 this box or these boxes?

16 A. No, I don't recall him having a difficulty
17 in walking.

18 Q. Okay. Now the dark colored or black boxes
19 that you saw which were clearly revealed because
20 there was no top on the box, you indicated there was
21 at least one, but were, I think you were unable to
22 say how many if there were more than one might be in

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1 the box.

2 MR. JOHNSON: I think for the record you may
3 have misspoken. You said dark colored or light
4 boxes.

5 MR. BEN-VENISTE: Binders I mean. Thank
6 you.

7 A. I didn't physically count them. I saw what
8 gave me the recollection of what I saw, and there was
9 one at least, may have been more.

10 BY MR. BEN-VENISTE:

11 Q. Are you having trouble, we haven't gotten
12 into this at this point but were there papers in
13 between the sides of the binders?

14 A. As I recall seeing the binders what appeared
15 to me to be the back of the binders was facing me. I
16 did not see what appeared to be the front, which
17 would have allowed me to see any papers. Therefore I
18 don't know that they were empty or not.

19 Q. When you are talking about binders, are you
20 talking about the kind that sort have three rings and
21 you punch paper and put them in the binders?

22 A. That's what it appeared to me.

1 Q. As opposed to the kind, and I don't know the
2 stationary term for this, the kind that sort have
3 these two metal projections up and you place the
4 papers in them and then place the second part of the
5 binder down on top of them and fasten them?

6 A. Your previous description is more accurately
7 what I recall seeing.

8 Q. When you say that the binders were in the
9 box in a vertical way, what do you mean by that?

10 A. Well, in order to see protruding from the
11 top of a box that was uncovered, they were stacked,
12 in my opinion, vertically so that I could see that,
13 rather than horizontally where they may have been
14 covered by the box itself where I would not have seen
15 the contents of the box.

16 Q. So what you are saying is you saw the spine
17 of the binder as it might sit if you were looking at
18 it upon a table, that you would see the silhouette of
19 essentially a rectangle representing the spine of the
20 binder?

21 A. That's correct.

22 Q. And when you say they were vertical, so that

1 in the box there could have been more than just the
2 one, or do you mean that there might have been two
3 layers?

4 A. No, I mean to say that if stacked vertically
5 in the box there could have been more sitting next to
6 it. I didn't physically count. I seem to recall
7 that there was more than one. Might have been two;
8 could have been three.

9 Q. Could you tell whether there was any paper
10 in the binders?

11 A. No, I could not.

12 Q. So for all you know this unidentified
13 gentleman was carrying a bunch of empty binders in
14 one or two boxes and not having much difficulty in
15 the process?

16 A. That could have been.

17 MR. FOLEY: Do you want to take a break?

18 THE WITNESS: Do you know what? I could use
19 a little more water.

20 MR. BEN-VENISTE: We can break.

21 THE WITNESS: This is okay. Just a little
22 bit.

1 MR. BEN-VENISTE: I don't want to torture
2 you more than necessary.

3 BY MR. BEN-VENISTE:

4 Q. In the course of your experience at the
5 White House have you seen from time to time on any
6 occasion more than one person exiting that elevator?

7 A. Yes, I have.

8 Q. How many does the elevator hold,
9 comfortably?

10 A. I don't know the limits on the elevator,
11 but --

12 Q. In a non-sardine mode, how many people?
13 Would there be four people coming out of that
14 elevator from time to time?

15 A. Yes, there could be four, comfortably.

16 Q. Comfortably. So could there be more than
17 that?

18 A. Yes, there could be.

19 Q. On occasions when you saw people coming out
20 of the elevator at the same time, did that
21 necessarily mean those people were together?

22 MR. JOHNSON: Do you mean to him?

1 MR. BEN-VENISTE: Yes.

2 A. The direction of travel off the elevator has
3 something to do with my feeling of whether an
4 individual was with another individual or not.

5 BY MR. BEN-VENISTE:

6 Q. Right. That would be an indication. If
7 they went in different directions, it might indicate
8 that they started out together but were no longer
9 going to be together. Or it might mean that they got
10 on separately and went off on separate paths doing
11 their own individual separate business, is that
12 correct?

13 A. Correct.

14 Q. At lunchtime, for example, might you see a
15 number of people going in the same direction, leaving
16 the building?

17 A. Yes.

18 Q. And might not be necessarily planning to
19 have lunch together?

20 A. Correct.

21 Q. You wouldn't draw the assumption that,
22 because they came down the elevator, that they were

1 both together?

2 A. That's correct.

3 Q. But if they went in the same direction, that
4 would mean it was more likely they were together than
5 if they went different directions?

6 A. Be correct.

7 Q. That is basically what you are saying about
8 this situation?

9 A. That's correct.

10 Q. Now I take it you had spoken to Mr.
11 Livingstone from time to time prior to the 21st of
12 July and he was a person known to you?

13 A. That's correct.

14 Q. You had been working back at the White House
15 for approximately a year by this time?

16 A. Correct.

17 Q. And what did you understand Mr.
18 Livingstone's job to be?

19 A. I understood it to be the director of
20 personnel security at the White House.

21 Q. Did that job to the best of your knowledge
22 entail Mr. Livingstone carrying files from one office

1 to another?

2 A. I didn't know that that would have been part
3 of his duties. I did not routinely see him carrying
4 anything, no.

5 Q. Did you ever see him carry a briefcase
6 before July 21st?

7 A. No, not to my knowledge, I don't recall.

8 Q. Was it the fact that you saw him on the 21st
9 carrying a briefcase that got your attention, or was
10 it simply the overall circumstances of what was going
11 on at that time with the investigation of Mr.
12 Foster's death that got your attention?

13 A. That's correct, it was more the overall what
14 was going on at the time and the fact that I did not
15 routinely see Mr. Livingstone with a briefcase that I
16 made the observation.

17 Q. The briefcase that you saw him with that you
18 have described as a claim shell, I am afraid that
19 that wasn't entirely descriptive for me.

20 A. Uh-huh.

21 Q. Is that the kind of a briefcase that has two
22 handles and you set it down on the table and you open

1 it by pulling it apart, pulling the two handles in
2 opposite directions?

3 A. That's correct.

4 Q. Was it a hard-sided briefcase or a
5 soft-sided briefcase?

6 A. It would have been the type that would --
7 that I have seen in a somewhat pliable leather or
8 vinyl. So it wouldn't be such as the type that would
9 be a hard, I would call a Samsonite type hard-side
10 case. It would be a little more flexible and to
11 allow for it to expand or somehow conform to more
12 articles being put in it.

13 Q. What we normally call litigation briefcase
14 is one which is more rectangular in shape and has
15 hard sides.

16 So I think you may have thrown me off a
17 little bit when you described it as a, quote,
18 litigation bag.

19 You did not mean to give the impression that
20 it was of rectangular shape and hard-sided?

21 A. No. I believe I had heard from a retailer
22 describing to me what I had seen in a store as that.

1 I used that term not with the greatest of knowledge
2 that that is what I had.

3 Q. Did the closing or locking mechanism for the
4 briefcase that you saw on the 21st involve a strap
5 that went over the top aperture and was capable of
6 snapping or locking in some fashion on the other
7 side?

8 A. Yes, that's the type I tried to describe,
9 yes.

10 Q. Thank you. Could you tell from the basis of
11 your observation whether that briefcase appeared to
12 be heavy?

13 A. No, I could not see anything in it or tell
14 if it was full or heavy.

15 Q. In other words, Mr. Livingstone was not
16 listing to one side as he carried it down the hall
17 way?

18 A. That's correct, I did not notice that.

19 Q. So you couldn't tell if it, the briefcase,
20 in fact contained anything or was empty?

21 A. That's correct.

22 Q. Did you know anything about Mr. Livingstone

1 other than his job description as of July 21st, where
2 he came from?

3 A. No, I really did not know him personally. I
4 had conversation on the telephone with him during the
5 course of my duties in the control center, as he
6 would access and secure his office. It was routine
7 that those individuals that do so, accessing their
8 space and securing their office space, if that space
9 was alarmed, would call the control center on the
10 telephone.

11 And in the capacity of an officer assigned
12 to the control center I had spoken with him on the
13 phone before.

14 Q. He would identify himself as Craig
15 Livingstone?

16 A. That's correct.

17 Q. Would he say Craig Livingstone, or would he
18 say Mr. Livingstone?

19 A. I don't recall.

20 Q. Did you ever have any kind of conversation
21 with him other than to say, okay, sir, or good
22 morning or good evening?

1 A. No.

2 Q. Had you ever had occasion to discuss with
3 any of your colleagues of the uniform Secret Service
4 division anything about Mr. Livingstone prior to July
5 21st?

6 A. Not to my recollection, other than we had
7 identified him as the individual that worked in that
8 office. I had seen him in the capacity of, during
9 the course of his duties discussing pass holders and
10 in an official capacity as it related to his position
11 and that of mine as an officer discussing matters
12 that involve his job.

13 Q. Were you aware of whether or not there had
14 been any friction between Mr. Livingstone and any of
15 the uniform Secret Service officers in terms of
16 either complaints about one thing or another?

17 A. No, I am -- was not and am not aware.

18 Q. You did not feel it was appropriate to have
19 asked Mr. Livingstone about the event which you
20 witnessed on the morning of July 21st, 1993,
21 subsequently, is that correct?

22 A. No, I did not.

1 Q. And you did not press for your supervisor to
2 follow up subsequent to your mention of this
3 one-minute conversation of what you had observed?

4 A. No, I did not.

5 Q. To the best of your knowledge in talking to
6 your supervisor, he did not follow up, is that
7 correct?

8 A. I am unaware of what he did with the
9 information and whether or not he --

10 Q. Did you discuss in your conversation with
11 Inspector Martin some nine months after the July 21st
12 incident anything about the timing of Mr.
13 Livingstone's arrival at the White House the morning
14 of the 21st?

15 A. No, I didn't ask him about that.

16 Q. Did you ask him whether he recollected at
17 what time you made your mention of having seen Mr.
18 Livingstone to him?

19 A. I don't recall asking him to confirm what I
20 had previously told him as far as what time it was.

21 Q. I am not asking you whether you asked him to
22 confirm it, I am just asking whether you discussed it

1 with him.

2 A. The time was discussed. But I don't recall
3 in what comment or form or fashion we discussed what
4 time.

5 Q. Did you tell, in this telephone
6 conversation, let me ask you, was it only one
7 conversation that you had with Mr. Martin about this
8 subject some nine months after?

9 A. No, I spoke with him after subsequent
10 interviews.

11 Q. So you would keep him apprised of what was
12 going on while the FBI was interviewing you?

13 A. Yes, but not with specific details of the
14 interview.

15 Q. This was not an ordinary thing in your life,
16 and you felt it would be helpful to you to discuss
17 this with Inspector Martin?

18 A. Yes.

19 Q. And in your discussions with him did you
20 tell him that you had revised the time from 6:50 in
21 the morning until later that morning that you
22 recollected seeing Mr. Livingstone with the

1 briefcase?

2 A. I don't recall whether I specifically told
3 him I had changed the time.

4 Q. Did he discuss with you what time he said
5 that you had reported this?

6 MR. JOHNSON: I just lost track of the
7 pronounce in that one. Could you read that back.

8 (The reporter read as follows.)

9 THE REPORTER: "Question. Did he discuss
10 with you what time he said that you had reported
11 this?"

12 BY MR. BEN-VENISTE:

13 Q. Let me make that easier for you. Did Mr.
14 Martin discuss with you what he reported to the FBI
15 about his recollections as to the time that you
16 reported this incident to Inspector Martin?

17 A. No, I don't recall him specifically telling
18 me what time I told him during the FBI interview.

19 Q. That is almost what I had asked you but not
20 quite.

21 I am asking you whether he discussed with
22 you what his recollection was of the time as he

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1 reported it to the FBI.

2 A. No, I don't recall him telling me that.

3 Q. Just one thing that I was curious about.
4 Mr. Johnson asked you about your ability to recognize
5 certain White House individuals as of July of 1993.
6 And you indicated that Vincent Foster was not a
7 person you could identify at that point.

8 Did you know whether Mr. Foster had been on
9 the White House staff since the inauguration?

10 A. No, I wasn't aware of his time of coming on
11 staff. No, I was not aware.

12 Q. Do you recall as you sit here now whether
13 you had had contact with Mr. Foster in one way or
14 another?

15 A. Yes. But the only contact I had was over
16 the telephone in the capacity of opening and securing
17 his office, as I had previously mentioned while
18 working in the control center.

19 Q. So you never, or did you ever physically
20 open the doors to the suite in the counsel's office?

21 A. Not for him or routinely, I did not do that,
22 no, back then.

1 Q. Did you ever follow up with the cleaning
2 service when they would clean offices that were
3 subject to some restricted access?

4 A. No.

5 Q. That was never a function that you
6 performed?

7 A. No.

8 MR. BEN-VENISTE: I have nothing further.

9 MR. JOHNSON: Thank you, Mr. Abbott, for
10 your patience. It's been a long afternoon.

11 In conclusion, let me just reemphasize for
12 you that all of us are strictly bound by rules of
13 confidentiality that apply to this deposition. I
14 know I speak for Mr. Ben-Veniste when I ask you not
15 to discuss this deposition or anything we discussed
16 here today with anyone.

17 Thank you again for your patience.

18 (Whereupon, the deposition was concluded at
19 6:45 p.m.)
20
21
22

1 ACKNOWLEDGMENT OF DEPONENT

2 I, BRUCE EDWARD ABBOTT, hereby acknowledge that I
3 have read and examined the foregoing pages of my
4 deposition and that:

5 (Check appropriate box.)

6 () the same is a true, correct and complete
7 transcription of the answers given by me
8 to the questions therein recorded.

9 () except for the changes noted in the
10 attached Errata Sheet, the same is a
11 true, correct and complete transcription
12 of the answers given by me to the
13 questions therein recorded.
14
15

16 _____ Signature of Witness

17 Subscribed to and sworn before me.

18 this ____ day of _____, 19__
19
20

21 _____
22 Notary public in and for the

My commission expires:

1 Certificate of Reporter)

2 United States of America) ss.

3 District of Columbia)

4 I, CRAIG L. KNOWLES, the officer before whom
5 the foregoing deposition was taken, do hereby certify
6 that the witness whose testimony appears in the
7 foregoing deposition was duly sworn by me; that the
8 testimony of said witness was taken by me to the best
9 of my ability and thereafter reduced to print under
10 my direction; that I am neither counsel for, related
11 to, nor employed by any of the parties to the action
12 in which this deposition was taken and, further, that
13 I am neither a relative nor an employee of any
14 attorney or counsel employed by the parties thereto
15 nor financially or otherwise interested in the
16 outcome of this action.

17 Witness my hand this 24th day of June, 1995.

18

19

20

21

22

Notary Public in and for
the District of Columbia.

My Commission Expires November 14, 1999:

**DEPOSITION OF THOMAS C. COLLIER, JR.
IN RE: S. RES. 120**

FRIDAY, JUNE 23, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of THOMAS C. COLLIER, JR., called for examination pursuant to notice of deposition, at 9:20 a.m. in Room 534 of the Dirksen Senate Office Building, before PATRICIA A. ZUBER, a Notary Public within and for the District of Columbia, when were present:

ROBERT J. GIUFFRA, JR., Esq.
Majority Chief Counsel
GLENN F. IVEY, Esq.
Minority Counsel
RICHARD BEN-VENISTE, Esq.
Minority Special Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

TIMOTHY S. ELLIOTT, Esq.
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, NW, Mail Stop 6531
Washington, DC 20240
On behalf of the Deponent.

ALSO PRESENT: SANDRA AISTARS-ANNUS
VINCENZO A. DELEO

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Exhibit F 139	58, 774

P R O C E E D I N G S

MR. GIUFFRA: Mr. Collier, my name is Robert Giuffra. I'm the chief counsel of the Senate Banking Committee. To my left is Vincenzo DeLeo who works with the majority staff, and further down is Glenn Ivey who is the Democratic counsel.

This deposition is being conducted pursuant to Senate Resolution 120. This resolution establishes a special committee administered by the Banking Committee to conduct an investigation involving Whitewater Development Corporation, Madison Guaranty Savings & Loan Association, Capital Management Services, Inc., the Arkansas Development Finance Authority, and other related matters.

I have a copy of the resolution if you'd like to see it. Section 1.B.1 of Senate Resolution 120 authorizes investigation and public hearings into "whether improper conduct occurred regarding the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster following his death." And that will be the focus, that subject matter will be the focus of

today's deposition.

You were requested to testify orally by the committee staff on June 13. It was confirmed by letter dated June 14, '95. This deposition is in advance of public hearings that are likely to be held in July, and there is a reasonable probability that you'll be asked to testify although no judgment has been made on that matter as of now.

I will be asking you a series of questions today, then Glenn will be asking you a series of questions. You'll be testifying under oath. If at any time you don't understand a question, please let me know and I'll rephrase it. If at any time you need a break, please let me know.

The stenographer will prepare a record of the questions and answers. The deposition will be treated as quote, unquote "committee confidential," meaning that it will be kept confidential until the start of the hearings unless the Special Committee or the chairman and the ranking member agree otherwise.

You have a right to be represented by counsel, and if your counsel could state an

1 appearance for the record.

2 MR. ELLIOTT: My name is Timothy S.
3 Elliott, and I'm acting associate solicitor for
4 general law for the Department of the Interior.

5 BY MR. GIUFFRA:

6 Q Your counsel can object to the form of
7 questions and objections will be noted for the
8 record. Counsel may also object on grounds of
9 privilege or relevance, in which case we may either
10 proceed or ask the Committee Chairman to rule on
11 objections. The procedure for handling objections is
12 specified in the resolution. You have a right, after
13 the deposition is over, to review a transcript of the
14 deposition to correct any errors in transcription.
15 Do you have any questions at this point?

16 A No.

17 MR. GIUFFRA: Would you please swear the
18 witness.

19 Whereupon,

20 THOMAS C. COLLIER, JR.
21 was called as a witness and, having first been duly
22 sworn, was examined and testified as follows:

1 EXAMINATION

2 BY MR. GIUFFRA:

3 Q Mr. Elliott, would you please state your
4 name for the record -- excuse me, Mr. Collier. It's
5 a little early in the morning for me.

6 A Tom Collier.

7 Q Thank you. Could you spell your last name,
8 please?

9 A C-o-l-l-i-e-r.

10

11

12 Q And your present business address?

13 A 19th and C Streets Northwest, Department of
14 the Interior.

15 Q And your present position at the Department
16 of Interior, at least as of today?

17 A As of today I am an untitled employee in
18 the Secretary's office, Department of the Interior.

19 Q And when did you become an untitled
20 employee in the Secretary's office?

21 A The 15th of this month.

22 Q And what was your position on June 15th?

- 1 A Chief of staff of the Secretary.
2 Q And how long had you been chief of staff?
3 A Since the 20-something of January 1993.
4 Q What positions had you held previous to
5 becoming chief of staff of the Department of the
6 Interior?
7 A Immediately prior to that I was in private
8 practice in Washington, D.C.
9 Q At a law firm?
10 A I was a partner at Steptoe & Johnson.
11 Q And how long had you been at Steptoe?
12 A For about a dozen years. And I was,
13 immediately before that, a deputy assistant secretary
14 at the Department of Housing and Urban Development.
15 Q So you joined Steptoe when, in '81?
16 A I've had various incarnations at Steptoe.
17 I went to Steptoe & Johnson when I finished law
18 school, worked there for a while. Went to HUD, came
19 back, worked at Interior.
20 Q And your area of specialization at Steptoe?
21 A White collar criminal practice.
22 Q Have you ever been a prosecutor?
-

- 1 A I have not.
2 Q And your education?
3 A Bachelor's degree from the University of
4 Virginia, and a JD from the University of
5 Mississippi.
6 Q A question about your white collar work,
7 what was the nature of your white collar practice?
8 A Procurement fraud defense work primarily.
9 Q Was that the bulk of your practice at
10 Steptoe?
11 A The bulk of my practice.
12 Q Were you involved, for example, in the Ill
13 Wind investigation?
14 A I was not.
15 Q But you've represented clients, for
16 example, before the Department of Justice?
17 A Many times.
18 Q Let me show you a document request which is
19 dated May 26, 1995. This is from Chairman D'Amato
20 and the Ranking Member Sarbanes to Chief Langston of
21 the Park Police.
22 MR. BEN-VENISTE: What's the Bates number?

1 MR. GIUFFRA: There's no Bates number on
2 this. This is just a letter.

3 BY MR. GIUFFRA:

4 Q Were you aware of this document request?

5 A Yes, I was aware of this document request.

6 Q Did you search for any documents in
7 response to the request?

8 A My secretary went through my, all of my
9 files. I don't have any personal documents in my
10 office, so, yes.

11 Q You don't have any documents that would be
12 called for by this request?

13 THE WITNESS: We provided some documents,
14 did we not?

15 MR. ELLIOTT: None came from your files.
16 There were none, none responsive.

17 MR. GIUFFRA: So there were no documents
18 from his files.

19 BY MR. GIUFFRA:

20 Q Other than counsel did you speak to anyone
21 prior to this deposition?

22 A I told a few people that I was coming to

10

1 the deposition.

2 Q Anything else?

3 A No, no substantive discussion at all.

4 Q On July 20th, 1993 you were chief of staff
5 to Secretary Babbitt?

6 A That's correct.

7 Q What were your responsibilities as chief of
8 staff?

9 A At the Department of Interior we have not
10 had a deputy secretary. My responsibilities were
11 similar to those of deputy secretaries of many of the
12 departments. And I ran the department for the
13 Secretary.

14 Q You were effectively the chief operating
15 officer of the department?

16 A In fact, that's also part of my title, is
17 chief operating officer.

18 Q Now, the Park Police is part of the
19 Department of Interior?

20 A Yes, it is.

21 Q Okay. What is the relationship of the Park
22 Police to the Secretary's office?

1 A Well, everything in the Department of
2 Interior eventually reports to the Secretary. The
3 reporting relationship there is that the chief of the
4 Park Police reports to the regional director of the
5 Capital Region of the Park Service who reports to the
6 director of the Park Service who reports to the
7 Secretary.

8 Q How frequent was the -- during your tenure
9 as chief of staff and chief operating officer, how
10 frequent was the contact between the Park Police and
11 the Secretary's office other than with regard to
12 protective matters involving the Secretary?

13 A During the 2-1/2 years that I was chief of
14 staff, probably a half a dozen different times there
15 would be issues where I would contact the chief
16 directly or he would come to me directly regarding a
17 particular issue.

18 Q So that would be a total of, say, about six
19 or so?

20 A About six.

21 Q Do you recall any of those occasions?

22 A Yes. There was a controversy which arose

1 concerning the Gay and Lesbian demonstration that
2 occurred on the Mall. There was a shooting incident
3 that occurred when the Capital -- when the police
4 were assisting the Capital Police.

5 There was a controversy --

6 Q What was the nature of that incident?

7 A It was, we detailed a number of our Park
8 Police officers to the -- actually to the D.C. Police
9 Department to assist them in some of the drug
10 crackdown efforts that they were undertaking, and it
11 was just a shooting that occurred during a drug
12 arrest.

13 There were --

14 Q What was the nature of your involvement in
15 that, just being advised of it?

16 A It was, the question is whether the officer
17 should have been relieved of duty or not, given the
18 circumstances of the shooting.

19 Q About how much time did you spend on that
20 inquiry?

21 A Oh, met a couple times with the chief.

22 Q Was the Secretary involved in that at all?

1 A No, he was not. There was a several
2 meetings over detailing the 40 some-odd police
3 officers that we detailed to the -- to the D.C.
4 Police Department. There were several budget-related
5 issues that came up. That's pretty much the
6 collection.

7 Q And there was also -- you also had some
8 contacts with the chief with regard to the death of
9 Vincent Foster?

10 A I did, yes.

11 Q Was the investigation into the death of
12 Vincent Foster the only time in which you were
13 involved in an ongoing criminal investigation -- or
14 an ongoing investigation of the Park Police?

15 A I believe so, yes.

16 Q And I guess as a technical matter, it was a
17 criminal investigation until you rule out that the
18 cause of death was suicide?

19 A That's beyond my expertise.

20 Q Do you know if the Secretary has ever been
21 involved in an ongoing Park Police investigation,
22 with contacts --

1 A To my knowledge, he has not been.

2 Q Now, Vincent Foster's body was discovered
3 on July 20, 1993 in Fort Marcy Park; is that correct?

4 A I don't -- I can't recall the date, and,
5 you know, my only knowledge of where the body was
6 found, frankly, is what I read in the newspaper.

7 Q Do you recall that this occurred in
8 approximately July?

9 A Certainly in the summer, I do.

10 MR. BEN-VENISTE: Off the record.

11 (Discussion off the record.)

12 BY MR. GIUFFRA:

13 Q How did you become aware of the death of
14 Foster?

15 A Newspaper.

16 Q So you were not contacted by anyone from
17 the Park Police in the immediate --

18 A Not to my recollection.

19 Q -- time after his death?

20 A Not to my recollection. We have a system
21 in the -- in the department where I am routinely
22 contacted when things occur within the department

1 that somebody thinks the Secretary's office ought to
2 know about. You know, when a boat of refugees
3 crashes into a park or when an airplane crashes or
4 something like that. And I can't remember whether I
5 got a call about this or not in that routine way, but
6 my recollection is that I didn't. I read about it in
7 the paper.

8 Q Did there come a time when you were
9 contacted by a senior official at the Park Police
10 about the death of Foster?

11 A I don't remember how -- we ended up having
12 several meetings on the issue. And I can't remember
13 whether they contacted me or I contacted them,
14 frankly.

15 Q Did you contact -- do you recall initially
16 these were by telephone contacts?

17 A I don't remember whether I got a phone call
18 saying we want to come see you or whether I called
19 them saying I want you to come see me. I have a
20 recollection of several meetings, but I don't
21 remember how, what the genesis of the meetings were.

22 Q What do you recall about the first meeting

1 that you had with Park Police?

2 A They run together, I'm sorry to tell you so
3 I'm not going to be able to give you specifics as to
4 each meeting. There were two or three meetings and
5 as a --

6 Q Do you recall how close these were to
7 Foster's death?

8 A Relatively close, and what I can't recall
9 in terms of placing them is whether they were before
10 or after the discovery of the note, but they were
11 right around that time frame, just before or just
12 after discovery of the note.

13 And the genesis of the meetings was -- the
14 import of the meetings, what I kind of learned from
15 the meetings is that the Park Police had a concern
16 that they were not receiving access to documents and
17 individuals that they believed was necessary for the
18 purpose of completing their investigation.

19 Q Do you recall anything more about the,
20 about those contacts?

21 A I really don't. I know that Chief Hines
22 was at some, but not all, of the meetings.

1 Q Major Hines?

2 A Major Hines.

3 Q Do you recall Chief Langston?

4 A Chief Langston was at some, but not all, of
5 the meetings.

6 Q Was Captain Hume at any of the meetings?

7 A I believe Captain Hume was at at least one
8 of the meetings.

9 Q Was Detective Markland at any of the
10 meetings?

11 A I do not have a recollection that he was,
12 but I'm not certain that he was not.

13 Q Do you know Detective Markland?

14 A I do not know him.

15 Q Do you recall any discussion of the White
16 House's failure to seal Foster's office on the night
17 of his death?

18 A I do not recall that specifically being
19 raised.

20 Q Now, you said they were concerned about not
21 receiving access to documents and individuals
22 necessary to complete their investigation.

1 Did they say why they needed to obtain
2 access to those documents or people?

3 A No, and I didn't ask. I didn't want to be
4 involved in their investigation. I did want to
5 attempt to resolve the access problems that they were
6 having, but I didn't question them at all about
7 whether they really needed the documents that they
8 thought they needed. When they explained to me that
9 they weren't getting access to individuals or to
10 documents that they believed they needed, I took that
11 as what I needed to act on.

12 Q They thought they needed to speak to
13 someone with your level of authority in order to get
14 greater access?

15 A I'm not frankly sure that they came
16 requesting me to act and fix it as much as when I
17 heard this conclusion I simply decided to act.

18 Q Do you recall any discussion of Bernie
19 Nussbaum at all?

20 A Yes, I do.

21 Q What do you recall --

22 MR. BEN-VENISTE: I'm sorry. I can't hear

1 you, Bob, you really need to speak up. This is a
2 deposition for -- off the record.

3 (Discussion off the record.)

4 MR. GIUFFRA: Could you restate the
5 question, please.

6 (The reporter read the record as requested.)

7 BY MR. GIUFFRA:

8 Q What do you recall about Bernie Nussbaum?

9 A They explained to me a situation that
10 occurred in Vince Foster's office with respect to the
11 review of documents that were present in the office
12 and how Mr. Nussbaum had taken the documents, put
13 them in a stack, looked at them and made decisions as
14 to whether the documents were personal documents or
15 whether the documents were privileged documents, or
16 whether the documents were documents that were
17 relevant to the investigation and should be reviewed
18 by the Park Police.

19 The police -- the Park Police did not think
20 this was an appropriate procedure to be followed, and
21 they wanted access to all of those documents.

22 Q Did you think this was an appropriate

20

1 procedure?

2 A I didn't express an opinion to the Park
3 Police with respect to that issue. I thought,
4 frankly, that it was unwise from a political
5 perspective because I thought that Mr. Nussbaum and
6 the White House would be criticized for using that
7 procedure by the press, but I truly didn't reach a
8 decision as to whether it was appropriate or
9 inappropriate, given the very sensitive privilege
10 issues that I know Mr. Nussbaum was struggling with.

11 And I'll try to speak up too, I'm sorry.

12 MR. GIUFFRA: I think we're both speaking
13 very softly and that may be part of it.

14 BY MR. GIUFFRA:

15 Q Based on your experience as a white collar
16 criminal defense lawyer, you didn't draw any
17 conclusion as to whether this was a normal procedure
18 in the conduct of a criminal investigation?

19 A Thank God my cases have been white collar
20 cases. I've never been involved in a suicide
21 investigation. So I frankly didn't know what
22 documents really ought to be made available, and I've

1 also never had the President of the United States as
2 a client, so I haven't had to struggle with those
3 privilege concerns. So I think really where my
4 expertise did lead me was to understand that it was a
5 pretty complicated issue and that's why I really
6 didn't jump to a conclusion.

7 I was very much convinced that I believed
8 that this was an unwise way to handle this, and
9 that's what I set out to attempt to correct.

10 Q Do you recall Chief Langston or Major Hines
11 saying why they needed to see the documents in
12 Foster's office?

13 A No, and I didn't ask them that question, to
14 the best of my recollection.

15 Q Do you recall Captain Hume discussing
16 stonewalling with you, using that word, that
17 expression?

18 A I don't recall, I'm sorry.

19 Q Do you recall anything that Captain Hume
20 might have said to you?

21 A I don't recall specifics. You know, I do
22 recall that during the course of the meetings that I

22

1 had with the various officers from the police, Park
2 Police that they were very much concerned about this
3 access question. There is no doubt about that.

4 Q Did they tell you anything about an
5 agreement that had been reached with Mr. Nussbaum
6 with regard to the review of the documents in
7 Foster's office and then a switch in that agreement?

8 A I learned of that, but I don't recall
9 whether I learned of that in the discussion with the
10 police officers or later in a discussion with Phil
11 Heymann.

12 Q What did you learn, whether it was from
13 Phil Heymann or the police officers?

14 A What I was told was that there had been
15 some discussions with Mr. Nussbaum by someone in the
16 Justice Department that had reached a decision as to
17 a procedure for the review of these documents. And
18 that a representative of the Justice Department, a
19 career senior attorney in the Justice Department --
20 and I believe it was Mr. Margolis but I'm not sure --

21 Q That would be David Margolis?

22 A Yes, would review the documents to

1 determine their relevance to the investigation and
2 also to determine, to assist with the determination
3 as to privilege concerns; and that when everyone -- I
4 understand there were a number of people that showed
5 up for this kind of document review -- that
6 Mr. Nussbaum changed his mind as to that agreement
7 and instead decided that he would pursue the
8 procedure that I described to you before.

9 Q Which would be he would review the
10 documents out of the -- without allowing the Park
11 Police or the Department of Justice investigators to
12 see the documents?

13 A Yes.

14 Q Do you know why Mr. Nussbaum changed the
15 procedure?

16 A I have no idea.

17 Q Never discussed it with anyone at the White
18 House?

19 A Never did.

20 Q Did either Captain Hume or anyone else from
21 the Park Police say that not being able to review the
22 documents was not normal procedure?

1 A I don't recall. Nothing in this case was
2 normal procedure. This was a unique investigation.

3 Q Was there any discussion of the fact that
4 their not being -- the Park Police not being allowed
5 to look at the documents delayed their investigation?

6 A We didn't talk about issues of delay. What
7 we talked about was they were delivering a message to
8 me that they were not getting the access and that was
9 the point in my mind. I was not focusing on the
10 consequences of that access whether it was delay or
11 not; when the Park Police said they believed they
12 needed the access, I wanted to make sure that we
13 resolved that issue.

14 Q Do you recall any discussion from anyone
15 from the Park Police with regard to a fear about a
16 loss or destruction of evidence or documents from
17 Mr. Foster's office?

18 A At least one of the meetings or one of my
19 discussions occurred after the note was discovered,
20 and there were several expressions of frustration
21 that, if the review process had been handled in a
22 different way, if the Park Police had been more

1 involved, that they believed they would have found
2 the note.

3 We also discussed the fact that, at no
4 point during this process, did the Park Police object
5 to the procedure that Mr. Nussbaum followed, and I --

6 Q Would that be an objection with
7 Mr. Nussbaum?

8 A With anyone; in other words, during the
9 time this procedure was going on, the Park Police
10 didn't say we don't want to you do it this way, we
11 want to you do it another way.

12 Q But they subsequently came to you and
13 complained about the procedure?

14 MR. BEN-VENISTE: I'm sorry. I don't think
15 he finished answering.

16 THE WITNESS: Let me state this. And I
17 quizzed them a good bit about why they didn't object
18 at the time, and they didn't believe that their
19 objections would have made a difference was the
20 reason why.

21 But again I'm not sure that the genesis,
22 the reason for these meetings was them coming to me

1 to complain or to seek my assistance. And in fact,
2 I'm not even sure that they actually initiated the
3 meetings. They may have. I may have read about it
4 in the paper and called them and asked them to come
5 in and give me a briefing, frankly. I never had a
6 sense that they were coming to me to ask me to help
7 them. I heard of the situation and decided that I
8 was going to get involved, is kind of the way I
9 thought.

10 BY MR. GIUFFRA:

11 Q So it's your testimony that until the Park
12 Police spoke to you, whenever that particular day
13 was, they raised no objection with anyone from the
14 White House with regard to how they were allowed to
15 review the documents in Foster's office?

16 A No, that's not my testimony. My testimony
17 is that during the process of review when
18 Mr. Nussbaum was in fact reviewing these documents
19 they did not state an objection. And what I said to
20 them was if you are so concerned about this access
21 issue, why didn't you tell Bernie at the time that
22 you didn't believe this procedure was appropriate.

1 And they responded they didn't think it would make a
2 difference.

3 Q Do you know whether they objected before
4 Mr. Nussbaum started to review the documents?

5 A I don't recall.

6 Q Do you know whether they objected to anyone
7 at the White House after Mr. Nussbaum had --

8 A I have no knowledge.

9 Q But they did come to you and complain?

10 A No, I'm not sure they did. Again they
11 stated their concerns as to this review process
12 during a series of meetings. I'm not sure the
13 purpose of coming to see me was to complain.

14 Q Now after meeting with the Park Police
15 officials, what did you do next?

16 A I placed a call to Mack McLarty.

17 Q Do you recall whether that phone call was
18 relatively, in terms of time, close to the time of
19 your meetings with the Park Police?

20 A I don't recall whether it was after the
21 first, second or third, if there were three
22 meetings. But yes, it was, once I understood the

28

1 access issue, whenever that came up in those series
2 of meetings, I called Mack as they walked out the
3 door.

4 Q And what do you recall about that telephone
5 conversation?

6 A I didn't talk to him. I called him.

7 Q Did he return your call?

8 A No. Mr. Burton returned my call.

9 Q And was -- do you recall Mr. Burton's
10 position at the White House?

11 A Mr. Burton worked for Mack McLarty. I
12 don't recall his title.

13 Q Was he deputy chief of staff?

14 A He was not deputy chief of staff.

15 Q Do you recall whether he was a former
16 lawyer at the Rose Law Firm?

17 A I learned during the discussion that he had
18 spent I think a summer or a short period of time at
19 the Rose Law Firm. I didn't know that at the time.

20 Q What was the nature of your conversation
21 with Mr. Burton?

22 A I explained to Mr. Burton my concern with

1 respect to access to documents, that I was
2 particularly concerned that the Park Police were
3 concerned. Mr. Burton reacted strongly to my
4 suggestion that they should reconsider the access
5 issue, and essentially suggested to me that this was
6 none of my business.

7 Q Do you recall anything else that he might
8 have said to you?

9 A I also suggested to Mr. Burton that I
10 thought it would be politically smart to have someone
11 involved in this issue that was not as close to Vince
12 Foster as those who were making the decisions were.

13 That's when I learned that Mr. Burton had
14 worked at the Rose Law Firm because he said to me do
15 you mean I shouldn't be involved in this because I
16 spent a summer working at the Rose Law Firm. And I
17 said to him yes, that's what I mean.

18 Q Do you recall anything else about that
19 conversation?

20 A That's all I recall about it. That was the
21 end of the conversation, five-minute conversation,
22 not a long conversation.

1 Q The comment, not your business, what was
2 meant by that?

3 A That the White House was handling this
4 issue, and that it would be handled between the Park
5 Police and the White House, and that the Secretary's
6 office didn't need to be involved in the issue.

7 Q Did you think that Burton was defensive
8 with regard to White House cooperation with the Park
9 Police investigation?

10 A I thought Burton was grief-stricken.

11 Q Not defensive?

12 A Not defensive.

13 Q Did Burton blame the Park Police for any
14 foul-ups in the investigation?

15 A No, he did not.

16 Q Did you speak with anyone else at the White
17 House after you finished with Mr. Burton?

18 A Yes, shortly after my call with Mr. Burton,
19 I received a call from the deputy chief of staff,
20 whose name has escaped me.

21 Q Roy Neel?

22 A Roy Neel. And it was pretty much a replay

1 of the conversation I had with Mr. Burton.

2 Q Let's go through that conversation. What
3 do you recall about that conversation?

4 A I raised the same concerns with Mr. Neel I
5 had raised with Mr. Burton, that I thought that we
6 should find a process for resolving the access
7 concerns that the Park Police had expressed to me and
8 asked his assistance in doing so. He stated that he
9 believed that the process that had been followed was
10 entirely adequate, and that that's what they were
11 going to stick with.

12 Q Did Neel blame the Park Police for any
13 foul-ups in the investigation?

14 A Mr. Neel didn't blame the Park Police for
15 any foul-ups in the investigation.

16 Q And you didn't think that he was being
17 defensive at all about White House cooperation?

18 A I thought Mr. Neel was also grief-stricken.

19 Q Did you call anyone else at the White
20 House?

21 A I did not. I didn't call Mr. Neel.

22 Q Okay. Do you recall speaking with David

1 Gergen?

2 A I spoke with David Gergen a day or two
3 after the conversation that I had with Mr. Neel.

4 Q And where did you -- did you speak with him
5 in person or was this a telephonic communication?

6 A I believe Mr. Gergen called me. We had a
7 short conversation on the phone and we had one or two
8 face-to-face conversations.

9 Q And could you please describe the telephone
10 conversation with Mr. Gergen.

11 A Let's get together and talk.

12 Q And that was the -- about the Foster
13 investigation?

14 A Absolutely.

15 Q And did there come a time when you actually
16 met with Mr. Gergen?

17 A There did.

18 Q And was that within, is that the same day
19 as the telephone conversation?

20 A No, it was several -- oh I'm sorry.

21 Telephone conversation with him. It may have been,
22 yes, it was promptly -- if it wasn't that day it was

1 the next day.

2 Q Did you meet with him at the White House?

3 A I did.

4 Q Was anyone else present at the meeting?

5 A No one else was present.

6 Q And what was the subject of that
7 conversation?

8 A I expressed to him my concern that, until
9 Mr. Gergen's involvement, no one had been involved in
10 the decisionmaking regarding these access questions,
11 that I could tell, that wasn't so close to Vince
12 Foster that they were capable of exercising good
13 independent judgment.

14 And therefore I was pleased that he was now
15 involved and I requested that he assist in resolving
16 the concern that the Park Service had expressed to me
17 regarding access to the documents.

18 Q Did he agree with your statement that there
19 was not anyone involved other than he who was
20 independent?

21 A I think "independent" was a --

22 Q More objective?

1 A -- was a poor choice of words. My real
2 concern was that everyone that I had been speaking to
3 was so grief-stricken that I didn't think they were
4 clearly seeing the issue I was trying to raise.

5 Q Did Gergen agree with you?

6 A I don't know whether he agreed with me or
7 not, but his involvement kind of resolved that
8 concern, so it's not something that we talked with in
9 terms of agreeing or disagreeing.

10 Q Did he say anything else to you, did he
11 agree to take some action?

12 A He told me he was going to resolve the
13 access issue.

14 Q Do you recall whether he said anything else
15 to you during that conversation?

16 A I don't recall.

17 Q Would this conversation have been before or
18 after the discovery of the suicide note?

19 A After.

20 Q Did you in the course of your conversations
21 with anyone at the White House state a suspicion that
22 the note had been torn by someone other than Foster?

1 A I never stated that to anyone in the White
2 House.

3 Q Did you ever state that to someone at the
4 Justice Department?

5 A In my discussions with Phil Heymann, I
6 passed along a concern I had heard from the Park
7 Police saying that since they had not been allowed to
8 review documents and therefore find the note, they
9 had all kinds of possible questions about the note.
10 For example, did somebody else tear it up, did
11 somebody else write it, did somebody else hide it,
12 was it really in the briefcase, et cetera, et cetera.

13 Q Do you recall any discussion of the fact
14 that when Mr. Nussbaum did his review he indicated to
15 the Park Police that the briefcase was empty?

16 A I don't recall that specifically.

17 Q Do you recall --

18 A It may have happened, but I don't recall.

19 Q Do you recall anyone at the Park Police
20 indicating to you that they thought the briefcase was
21 empty at the time of the Nussbaum review?

22 A I just don't recall that.

1 (Discussion off the record.)

2 BY MR. GIUFFRA:

3 Q Did you have any other conversations with
4 anyone at the White House with regard to the Foster
5 investigation?

6 A I don't recall any.

7 Q Do you recall ever speaking with
8 Mr. Nussbaum?

9 A I did not speak with Mr. Nussbaum.

10 Q Do you recall speaking with anyone else at
11 the White House Counsel's office?

12 A I don't recall speaking with anyone else.

13 Q Do you recall speaking with Maggie
14 Williams?

15 A I don't believe I spoke with Maggie
16 Williams.

17 Q Do you know Maggie Williams?

18 A I know her well enough to say hello.

19 Q Do you recall speaking with David Watkins
20 about this matter?

21 A I do not believe I spoke with David
22 Watkins.

1 Q Craig Livingstone?

2 A I don't believe I spoke with Craig about
3 this.

4 Q President or Mrs. Clinton?

5 A I did not speak with either of them about
6 this.

7 Q Now, in the course of your -- were there
8 any other communications with either Neel, Gergen,
9 Burton, McLarty about the Foster investigation that
10 you can recall?

11 A With Gergen; we had several follow-up
12 discussions.

13 Q Were these meetings or telephone
14 conversations?

15 A Some of each.

16 Q And what was the substance of those
17 conversations?

18 A Making certain that the access issues were
19 in fact being resolved to the Park Service's
20 satisfaction, Park Police's satisfaction.

21 Q Do you know whether the access problems
22 were ever resolved to the Park Police's satisfaction?

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1 A I asked Chief Langston two or three times
2 whether the access issues had been resolved to the
3 Park Police's satisfaction. The first couple of
4 times I would receive answers that said we've --
5 everything except we still need to talk to so-and-so
6 and it hasn't been set up.

7 And I would call Mr. Gergen and say we're
8 close to having all of this resolved, but can you
9 help us get access to X. And then ultimately the
10 answer I got from the chief was we believe that we
11 have received access to all of the witnesses and all
12 of the documents we need in order to conclude our
13 investigation.

14 Q Do you recall any conversations with either
15 the chief or Major Hines or anyone else from the Park
16 Police with regard to the manner in which they were
17 able to conduct witness interviews at the White
18 House?

19 A That issue came up. It did come up.

20 Q And what do you recall about --

21 A I don't recall anything other than they
22 expressed a concern about the manner in which they

1 were able to conduct the interviews, and that was one
2 of the issues I attempted to resolve within the kind
3 of access package.

4 Q This was the -- was this perhaps the
5 concern that White House attorneys were present
6 during those interviews?

7 A I don't recall what the specific concern
8 was, but there was a concern regarding the
9 interviewing process.

10 Q Do you recall any other subject matters
11 that you would have discussed with Mr. Gergen that we
12 haven't covered here today?

13 A No, I do not.

14 Q Any --

15 MR. ELLIOTT: You mean relevant to this?

16 MR. GIUFFRA: Relevant to this.

17 MR. ELLIOTT: He may have had a lot of
18 other conversations.

19 MR. GIUFFRA: Just relevant to this
20 particular Foster investigation issue.

21 BY MR. GIUFFRA:

22 Q Do you recall any discussion with anyone

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1 from the White House in which you said anything or
2 they said anything about taking the investigation
3 away from the Park Police and giving it to the FBI?

4 A In the discussion I had with Gergen, we
5 both speculated on whether there might be a better
6 way to handle this investigation, whether the Park
7 Police were the best ones to do it, whether the FBI
8 was the best to do it, et cetera, et cetera, but that
9 was a kind of wide-ranging general discussion.

10 Q Do you recall anything more about that
11 discussion?

12 A No, to me it wasn't a very significant part
13 of the discussion I had with him at all, and
14 certainly was not a recommendation that something
15 like that should be done.

16 Q Do you recall stating that the Park Police
17 or anyone stating that the Park Police was in over
18 its head?

19 A No, I don't recall ever stating that.

20 Q Do you recall anything -- strike that.

21 Do you recall that the White House wanted
22 or indicated that the investigation into Foster's

1 death should be described as a routine investigation?

2 A I don't recall any such discussions.

3 Q Do you recall saying anything to anyone
4 about how this was not a routine investigation?

5 A I don't recall, no.

6 Q Do you recall saying anything to Mr. Gergen
7 or anyone else at the White House about the White
8 House's need to get its act together?

9 A I don't recall having said that. That's
10 certainly a phrase I use often and it would have
11 described this situation, so I could very well have
12 said that.

13 Q And why would it have described this
14 situation?

15 A Because I didn't think, once again, that
16 the way they were handling the various access
17 questions were the wisest way to handle them, given
18 the political context in which this was going to be
19 reviewed.

20 Q You were concerned about adverse public
21 reaction?

22 A I really was. That was my major concern

1 here, is that the way they were handling this I
2 thought they were inviting the kind of adverse public
3 reaction that they received.

4 Q Do you recall saying anything to Gergen
5 about the investigation being controlled by Rose
6 alumni?

7 A I expressed a concern in several of the
8 discussions that I had with various people -- and I
9 don't recall whether I specifically did with
10 Gergen -- that the investigation was being handled by
11 people that I thought were too close to Vince, and
12 therefore the grief that they were suffering was
13 keeping them from dealing with this issue the way I
14 thought it should be dealt with. The Rose alumni
15 issue is not something I believe that I said. It
16 would be a subset of the concern that I had.

17 Q Do you recall any later discussions with
18 anyone at the White House with regard to the Park
19 Police's determination that Foster's death was a
20 suicide?

21 A I don't recall any such discussion.

22 Q Do you recall any other discussions with

1 the White House with regard to the Foster
2 investigation, other than those that you've testified
3 to?

4 A I can't recall any.

5 Q Let's turn to the Department of Justice.

6 Did there come a time when you contacted anyone from
7 the Department of Justice with regard to the Foster
8 investigation?

9 A Yes, there did.

10 Q When was that?

11 A Right after my phone call with Roy Neel.

12 Q And who did you contact?

13 A Phil Heymann.

14 Q You viewed him as sort of your equal?

15 A No, I called Phil because I thought he was
16 just the appropriate person in the department to
17 call.

18 Q Had someone told you that he was involved
19 in this investigation?

20 A No.

21 Q And did you call Mr. Heymann at the
22 direction of Secretary Babbitt?

1 A I did not.

2 Q This was a decision that you made on your
3 own?

4 A A decision I made on my own.

5 Q And why did you call Mr. Heymann?

6 A Because I didn't believe I had accomplished
7 my purpose in the calls I had had with Roy Neel and
8 with Mr. Burton.

9 Q And why was that?

10 A They disagreed with my opinion.

11 Q And again, how did they disagree with your
12 opinion?

13 A They thought that the way the White House
14 was handling the access questions was appropriate.

15 Q And you believe that the Park Police
16 officers should have been given greater access to the
17 documents and that's why you called Mr. Heymann?

18 A I believed that the Park Police wanted
19 greater access, and that's why I called Mr. Heymann.

20 Q But you believed that to be the appropriate
21 course?

22 A From a political perspective I believed

1 that when the Park Police wanted the access, we
2 should give them the access, yes.

3 Q Presumably the Park Police were in a better
4 position to make such judgments as to what their
5 investigation --

6 A Listen, I don't want to quibble with your
7 questions, the only distinction I'm trying to draw
8 and that I consciously during this time avoided
9 exercising the judgment because I didn't think I had
10 the expertise to do it as to whether this was the
11 right way or the wrong way to handle those
12 documents.

13 What concerned me was that the Park Police
14 wanted the access, they weren't getting the access,
15 and I thought that was a political time bomb. And I
16 couldn't get the White House in my two calls to react
17 to that so I went to Phil to ask his advice.

18 Q Do you consider the -- do you consider
19 chief Langston and Major Hines and the Park Police to
20 be competent law enforcement officers?

21 A Very much so.

22 Q Have they always been very professional in

1 your dealings with them?

2 A Yes, they have.

3 Q And do you have a high regard for the Park
4 Police?

5 A I do.

6 Q So that if the Park Police said to you that
7 their investigation required certain steps, you would
8 give deference to the Park Police's judgment?

9 A I would also give deference to the judgment
10 of the chief counsel to the President of the United
11 States on a legal issue also. So, you know, that's
12 why I wasn't trying to resolve that difference of
13 opinion.

14 Q Did they -- did either Neel or Burton say
15 anything about what Mr. Nussbaum's judgment was?

16 A We did not discuss Mr. Nussbaum's judgment.

17 Q Please describe for the record what -- the
18 nature of your conversation with Mr. Heymann. Do you
19 recall was that before or after the Gergen phone
20 calls?

21 A Before. I explained to Phil the concern
22 that I had about not giving the Park Service -- the

1 Park Police the access that they wanted, and asked
2 his advice on how to handle that. He agreed with my
3 concern and told me that --

4 Q Again and the concern again being that the
5 Park Police was not given access?

6 A Not given access. And he told me that he
7 would undertake to resolve the issue.

8 Q Did he say anything about his own
9 involvement with regard to the investigation into
10 Foster's death?

11 A He told me he had been involved.

12 Q And did he -- what was -- what did he tell
13 you his view was with regard to the White House's
14 cooperation with regard to access to the documents?

15 A I don't recall specifically what he told
16 me. I drew the conclusion from the discussion that
17 he agreed with my concern that it was important for
18 the Park Police to receive greater access.

19 Q Was Mr. Heymann concerned from a political
20 standpoint, or was he concerned more from a legal
21 standpoint?

22 A In our discussions we didn't make that

1 distinction, and I didn't ask him what the basis of
2 his concern was. In other words, I don't know what
3 his concern was.

4 Q Do you recall anything more about that
5 conversation?

6 A It was a wide-ranging conversation.

7 Q This is the telephone conversation?

8 A No.

9 Q Then you subsequently met with --

10 A I called him and told him I needed to see
11 him immediately and went over there.

12 Q And so you called him in the morning?

13 A I don't remember the time of day. And I
14 called him and hung up the phone and went to see him.

15 Q Do you recall who else was at that meeting?

16 A For some period of time Margolis was at the
17 meeting.

18 Q Do you recall whether a Mr. Adams was at
19 the meeting?

20 A I don't recall.

21 Q Roger Adams?

22 A I just don't recall.

1 Q How about Cindy Monoco?

2 A I don't recall.

3 Q Were there other people in the room?

4 A I can't recall whether there were or there
5 weren't. I do recall Margolis being there and I just
6 can't recall whether other people were there during
7 some part of that meeting or not.

8 Q Do you recall how long the meeting took?

9 A I think the entire -- I was there for at
10 least an hour.

11 Q Do you recall telling the Mr. Heymann that
12 you thought the White House was being unprofessional
13 with regard to the Foster investigation?

14 A I do not recall saying that, and I'm not
15 sure that I would have used that word.

16 Q Do you think the White House was being
17 professional from what you could tell?

18 A At the time I didn't draw a conclusion as
19 to whether they were or they weren't.

20 Q Do you recall discussing what the Park
21 Police had told you about their initial conversations
22 with the White House with regard to the ground rules

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1 for review of the documents?

2 A No, in fact I can't remember whether I
3 learned that series of events in my discussions with
4 the Park Police or in my discussions with Phil at
5 that meeting.

6 Q Do you recall any discussion of the change
7 with regard to the ground rules for review of
8 documents?

9 A I learned either in the meeting with the
10 police or in the meeting with Heymann that there had
11 been a change in the ground rules.

12 Q And what did the Deputy Attorney General
13 say about that?

14 A We discussed the fact that there had been
15 ground rules agreed to by the Justice Department, and
16 then, when they showed up, those ground rules had
17 been changed.

18 Q What were the ground rules that the Justice
19 Department had agreed to with the White House?

20 A I believe that they were that Mr. Margolis
21 or another senior career lawyer in the Justice
22 Department was going to be the person who would

1 review the documents and make the relevance and
2 privilege determinations.

3 Q And do you recall him saying to you why the
4 decision was that Mr. Margolis could be the person
5 making those judgments?

6 A I do not recall that.

7 Q And did Mr. Heymann say anything about
8 whether he thought that was a reasonable procedure to
9 follow?

10 A He did not say that. I assumed he believed
11 it was reasonable because he had been involved in
12 setting it up.

13 Q And then what did he say about the change
14 in the ground rules?

15 A Said they'd been changed.

16 Q And what was his reaction to the change in
17 the ground rules?

18 A He didn't express a reaction to me.

19 Q Was he concerned about the fact that only
20 White House lawyers were looking at the documents in
21 Foster's office?

22 A I don't know what his concern was. I mean,

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1 I went to him and expressed my concern. He agreed
2 with my concern and said he'd fix it, you know, is
3 kind of my recollection of the purpose and what was
4 accomplished in that meeting. And I don't recall
5 that we really talked about the Deputy Attorney
6 General's own conclusions and thoughts. Yes, I just
7 don't recall.

8 Q Do you recall whether Mr. Margolis said
9 anything about whether he agreed with the Park
10 Police's views with regard to access of the
11 documents?

12 A I do not recall that we had those
13 discussions.

14 Q Do you recall anything that Mr. Margolis
15 said at this meeting?

16 A No, as a matter of fact, I don't recall
17 anything he said.

18 Q Do you recall anyone at the meeting saying
19 anything about the Department of Justice's experience
20 with the White House with regard to the review of the
21 documents?

22 A No.

1 Q Was there any discussion about taking the
2 investigation from the Park Police and giving it to
3 the FBI?

4 A I don't believe that that issue at all was
5 discussed with them.

6 Q Was it normal for the Department of Justice
7 to be involved in a Park Police investigation?

8 A I have no idea actually.

9 Q Do you recall any discussion of
10 Mr. Nussbaum bursting into witness interviews with
11 the Justice Department?

12 A I don't believe I've ever heard that
13 before.

14 Q Do you recall anything else about this
15 meeting that you haven't stated for the record?

16 A No, I don't have much of a recollection
17 about the meeting. I recall a sense of relief that
18 Phil agreed with my assessment and was going to
19 undertake to correct the access issue.

20 Q Did you have any other meetings with
21 Mr. Heymann?

22 A I don't think we ever met again. I think

1 we had a telephone conversation and that was it.

2 Q And could you describe that telephone
3 conversation for the record?

4 A He said he had had some discussions at the
5 White House that the access issue was going to be
6 corrected and that David Gergen was going to be
7 involved as a point person that I could deal with to
8 make sure that those issues were resolved, and that I
9 was either to call David or David was going to call
10 me, I don't recall which, and the contact with Gergen
11 occurred right on the heels of that discussion with
12 Phil.

13 Q Did you report back to anyone at the Park
14 Police your conversations with either White House
15 personnel or Justice Department personnel?

16 A I certainly told them that I believed I had
17 resolved the access issues. I don't believe I
18 discussed with them any details of who I spoke to or
19 the substance of the discussions.

20 Q So your testimony would be that you told
21 them that you thought you had resolved matters?

22 A That I told them that witness access, the

1 document access and the interview procedure issues
2 were going to be resolved, that -- to give it a day
3 and then I wanted to know any access concerns that
4 they continued to have so that I could specifically
5 raise those.

6 Q And did they ever have any access concerns?

7 A They continued to have a couple of witness
8 related concerns, and I worked those through with
9 Gergen.

10 Q And do you recall what those concerns were?

11 A I think there were a couple, and I can't
12 remember. I can only remember one and that was
13 setting up the interview with Vince Foster's wife.

14 Q Just a couple of -- did you advise the
15 Secretary of your contacts with either the White
16 House -- with the White House?

17 A I told the Secretary of my concern, and
18 that I was going to you should take to resolve it.

19 Q Was this just a short conversation or a
20 long conversation?

21 A 45-second conversation.

22 Q Did he say anything to you about his own

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1 views?

2 A No.

3 Q Do you recall the Secretary saying anything
4 about Mr. Nussbaum?

5 A We did not discuss that.

6 Q Do you recall the Secretary saying anything
7 about Mr. Nussbaum being on his way out?

8 A We did not discuss Mr. Nussbaum.

9 Q Did you ever discuss Mr. Nussbaum with the
10 Secretary with regard to this matter?

11 A Not with regard to this matter.

12 Q Do you know whether the Secretary spoke to
13 anyone at the White House with regard to this matter?

14 A I am confident he did not.

15 Q Do you know whether the Secretary spoke
16 with anyone from the Park Police with regard to this
17 matter?

18 A I do not believe that he did.

19 Q Do you know whether anyone from the White
20 House attempted to contact the Secretary?

21 A I have no idea about that.

22 Q Do you know whether anyone from the

1 Department of Justice attempted to contact the
2 Secretary?

3 A I have no idea.

4 Q Did you advise the Secretary of your
5 contacts with the Department of Justice?

6 A I never advised the Secretary of any
7 specific contacts. I told him of my concern that I
8 was undertaking to resolve it. I told him I believed
9 I had resolved it at a later point.

10 Q And this was just a short conversation?

11 A Yeah, I didn't want the Secretary involved
12 in this.

13 Q And why was that?

14 A Because I thought it was a political issue
15 that was in fact going to end up in the newspapers
16 and I didn't want Bruce Babbitt's name associated
17 with it.

18 Q Mr. Collier, I want to just run through
19 some documents that we have received in this matter.
20 Mr. Collier, I'd like to show you a document, we'll
21 have it marked F 139. That's how we're marking
22 documents in this matter.

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1 (Exhibit F 139 identified.)

2 BY MR. GIUFFRA:

3 Q These were documents that were produced to
4 the Committee by the Department of Justice. These
5 are the typed notes of Roger Adams who was a counsel
6 to former Deputy Attorney General Heymann. Maybe
7 this will refresh your recollection with regard to
8 some of these Department of Justice conversations?

9 MR. BEN-VENISTE: Are you going to put the
10 Bates number on the record, what you're showing?

11 MR. GIUFFRA: Yes, it's 139 and 140.

12 If you could just take some time and read
13 that document.

14 (Witness reviewed the document.)

15 THE WITNESS: Okay.

16 BY MR. GIUFFRA:

17 Q One question, were you taking notes at any
18 of these meetings?

19 A No, I'm not a note-taker.

20 Q You're not a note-taker. Okay. Let's just
21 go through this memo and see if it refreshes your
22 recollection with regard to any of the events that

1 we've talked about.

2 Across the top, it says meeting with Tom

3 Collier, and is that your correct office telephone

4 number?

5 A Yes, it is.

6 Q It's 208-7351. And then it discusses --

7 A Who is DM and RCA?

8 Q DM is David Margolis and RCA would be Roger

9 Adams. Do you recall meeting with them now after
10 seeing --

11 A Like I said I recall David. I don't recall

12 Adams.

13 Q Did you know him before --

14 A No.

15 Q But you are certain that he would have been

16 present. Were there other people there besides

17 Heymann and Margolis that you can recall?

18 A I don't recall anyone else being there.

19 Q Do you recall discussing with them the

20 meeting which the Park Police attended and there were

21 discussions as to how the access issue would be dealt

22 with?

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1 A I do not recall that conversation.

2 Q Okay. Do you recall, we've already gone

3 over the question of the ground rules for the search,

4 and you recall that?

5 A The next topic paragraph, is that what

6 you're saying?

7 Q Yes.

8 A Yes, I recall them telling me about the

9 ground rules issue, yes.

10 Q They told you?

11 A That's what that -- that's what it says and

12 yes.

13 Q Do you recall them discussing with you the

14 meeting that they had with Mr. Nussbaum?

15 A I don't recall all of the details of this.

16 I do recall the general subject coming up of how they

17 had an agreement as to the ground rules for the

18 search and that Mr. Nussbaum had changed that

19 agreement.

20 Q Do you recall them telling you that they

21 had told Mr. Nussbaum that this was not a good idea?

22 A I don't recall that.

1 Q Do you recall them saying that they told
2 Mr. --

3 MR. BEN-VENISTE: I can't hear you, Bob,
4 I'm sorry.

5 BY MR. GIUFFRA:

6 Q Do you recall them saying that this was a
7 big mistake?

8 A I do not recall that.

9 Q Do you recall them describing to you how
10 Mr. Nussbaum made them wait while he considered this
11 question of how the protocol should be for the review
12 of the documents?

13 A I don't recall that part of the
14 conversation.

15 Q Do you recall the Department of Justice
16 officials saying to you there was no way Nussbaum
17 would have let the Park Police see it, presumably
18 meaning the documents?

19 A I don't recall that specific statement, no.

20 Q Do you recall the statement "we'd have" --
21 "we'd have had to get it by force"?

22 A I do not recall that specific statement.

1 Q Do you recall any discussions of the fact
2 that the communications that you had had were
3 defensive in tone?

4 A No. Those were tough conversations. I
5 don't believe I ever used the word "defensive." We
6 had strongly worded discussions on both sides of that
7 phone call.

8 Q Could you describe a little bit more the
9 strong words?

10 A I just told them that I thought this was
11 not being handled the right way, that we needed to
12 provide more access to the Park Service, and they
13 told me that they were making these decisions and
14 that they thought it was being handled the
15 appropriate way, but they were loud discussions and
16 aggressive discussions.

17 Q Colorful language perhaps used in the
18 conversation?

19 A I am sure that I used some, yes.

20 Q So you were angry with --

21 A No, I use colorful language too often. But
22 I think I probably did get a little -- I get angry

1 easy too, so.

2 Q You think you did get angry at the White
3 House officials?

4 A Yeah, I thought they were wrong. I was
5 upset with them, yes.

6 Q Do you recall whether Margolis or Heymann
7 agreed with your assessment that they were wrong in
8 how they were handling this?

9 A I don't recall. Again I recall that Phil
10 Heymann agreed with my assessment and that he
11 undertook to do something. I don't recall anything
12 about the others in the room.

13 Q Now, Mr. Adams's notes then talk about
14 it's -- the subheading is "recommendations by
15 Collier." And let's just go through those
16 recommendations. Do you recall telling the
17 Department of Justice officials that the
18 investigation -- it says here "take investigation
19 away from Park Police and give it to FBI"?

20 A Let me say that -- let's start with a kind
21 of a characterization of the discussion because I
22 think the memo may lead to a little bit different

1 characterization from my recollection.

2 I don't think that we came -- I have a
3 habit of kind of coming to a point in the discussion
4 where I say look, I've got three recommendations, we
5 ought to do this, this and this. I do not believe
6 that I did that in that meeting. I think we had a
7 long, hour-long discussion that covered a host of
8 different subjects. I believe that in their notes
9 that what they did was draw from that what they
10 believed were recommendations, and I did not intend
11 to recommend that the investigation should be taken
12 away.

13 I do now recall, I think as I told you
14 before, I recalled speculating, I thought it was with
15 Gergen, I'm confident I did it with Gergen and I may
16 have done it with these gentlemen also, that one
17 thing that should be considered is having the FBI
18 conduct the investigation instead of the Park Police.

19 Q Because you thought the Park Police were in
20 over their head?

21 A I don't know that I would have used that --
22 what my concern was that this was such a unique

1 investigation, I think the Park Police is absolutely
2 capable of handling a suicide investigation. Given
3 the sensitivity of this one though, I thought that
4 the more experience we could bring to the
5 investigation the better off we would be. At least I
6 speculated that we should consider doing that.

7 Q So it would be your testimony that you
8 don't recall saying these are my recommendations?

9 A I don't believe that in that meeting I said
10 these are my recommendations.

11 Q But it is your testimony that that is your
12 normal procedure at meetings?

13 A Yeah, I do that often in meetings, I do.

14 Q All right. The second purported
15 recommendation is "if we don't do the preceding, do
16 not allow the White House to continue to call this a
17 routine suicide investigation." Does that jog your
18 memory at all?

19 A Yeah, I do -- and this kind of goes to what
20 the nature of my concern was in all of this which was
21 the political impact of this. What I meant by that
22 was not that I had some suspicion or that I picked up

1 anything that this wasn't a suicide. What I meant by
2 that was by saying in the press that it was routine,
3 we led people to believe that it was like an
4 investigation that might be going on somewhere other
5 than in the White House, and I didn't think it was
6 routine.

7 And I think we were kind of leaving the
8 wrong impression in the press and setting ourselves
9 up for lots of questions like why is the counsel for
10 the President looking at the documents instead of
11 just handing the documents over, which is what you do
12 in a routine investigation. And so it was the word
13 "routine" that I thought was wrong.

14 Q Just a second. You would think that in a
15 routine investigation, documents would be handed over
16 to the police and the police would review the
17 documents?

18 A Yeah, I think so, absolutely.

19 Q Okay. Continue.

20 A That's it.

21 Q And other than the fact that Vince Foster
22 was Deputy White House Counsel, there was nothing out

1 of the routine out of this investigation, it was an
2 investigation into a routine suicide?

3 A Oh, of course not. This was an
4 investigation of someone that was serving as personal
5 counsel to the President of the United States. This
6 was not routine. This was the farthest thing from
7 routine in the world. I mean you've got presidential
8 privilege. You have attorney-client privilege. You
9 have all kinds of complications in this thing.
10 That's what I was talking about.

11 In fact, it was my conclusion exactly the
12 opposite of what you just said.

13 Q But the White House was telling you that
14 they thought it should be treated as a routine
15 investigation?

16 A The press reports that I thought were being
17 encouraged by the White House press office is that
18 this was a routine investigation, and that's -- a lot
19 of my concern is how this thing was being portrayed
20 or how it would be portrayed in the press. It was
21 not -- again, I was not expressing a concern about
22 whether it was being handled in a legally appropriate

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1 or legally inappropriate way. I just thought these
2 guys were making a stupid political decision.

3 Q Did you have any discussions with anyone
4 from the Justice Department with regard to the
5 protocol of allowing Mr. Heymann -- or excuse me,
6 Mr. Margolis to review the documents as to whether
7 that was an appropriate or logical solution to this
8 problem in dealing with the President's counsel's
9 papers?

10 A I don't remember such a conversation.

11 Q Do you recall now -- let me stop.

12 The next, I guess what's listed as the
13 third recommendation is "White House better gets its
14 act together to deal with adverse press/public
15 reaction." Your testimony is that you recall that
16 part of the conversation?

17 A Like I said, I think that was the central
18 concern I had going into this.

19 Q And it further says "his underlying
20 thoughts are that this investigation was controlled
21 by Rose Law Firm persons who had as their first
22 concern protecting the name and memory of Foster."

1 Do you recall discussing the fact that the
2 investigation was being controlled by Rose Law Firm
3 persons?

4 A No, and I don't think that's a phrase that
5 I used. My concern again -- and I do recall
6 discussing this with them and with Gergen -- was that
7 the decisions were being made by people that were too
8 close to convince. In my mind I included Mack
9 McLarty and Bernie Nussbaum in that group, and they
10 certainly weren't Rose Law Firm persons. And I
11 thought those people were so grief-stricken that they
12 weren't seeing issues clearly, and that was my great
13 concern. We talked about that at some length, and I
14 thought that eventually that issue would be played in
15 the press. And that's why I wanted someone like
16 Gergen involved and was satisfied when they did that.

17 Q You weren't anticipating that Gergen would
18 review the documents?

19 A Not at all, but I certainly anticipated
20 that Gergen would have the political judgment to see
21 the political issue that I saw, and he did and he
22 fixed it.

1 Q Did Gergen agree that the way they were
2 handling it was not proper?

3 A I don't at all recall Gergen agreeing or
4 disagreeing. What I recall is that when I expressed
5 my concern to Gergen he said he would fix it, and I
6 believe that he did fix it.

7 Q Now, further down the page it says "that is
8 the way the press will play it over the next few
9 weeks. Naturally, this will make the Park Police
10 look bad." Did you have a concern about protecting
11 the reputation of the Park Police and sort of also
12 the Interior Department?

13 A Oh, I may have said that. I never thought
14 that was a major -- that's not why I undertook this
15 hassle that I undertook. I undertook it for a
16 different reason.

17 Q And why was that?

18 A The reason I undertook it is I thought the
19 White House was making a politically incorrect
20 decision and that providing greater access was the
21 better way to deal with this because it's the way
22 that, politically, this issue would go away most

1 quickly.

2 Q So you were concerned not about the Park
3 Police or the Interior's involvement in this but more
4 about just trying to help the White House, give them
5 some political advice?

6 A It certainly was greater than giving them
7 some political advice, but yes, my concern was that
8 the White House was making the wrong decision in
9 terms of -- my sense of how they should have handled
10 this was absolutely open access, that politically was
11 the best way to get this issue to get off the news.
12 I thought that they were not doing that and should
13 have been.

14 Q The next sentence says "he also mentioned
15 that Secretary Babbitt, said to have great political
16 instincts, believes WH counsel will be in real
17 trouble over this whole investigation and is likely
18 on the way out."

19 Does that refresh your recollection of the
20 conversation with the Secretary?

21 A No, and I am confident that I never had a
22 discussion with the Secretary about Bernie and this

1 issue, and I don't have a recollections of this
2 discussion with anyone in Phil's office.

3 Q So you think the diary entry is probably
4 wrong?

5 A I don't know whether the diary entry is
6 wrong or whether -- well, I think the diary entry is
7 wrong, yes, but I don't think that it's made up out
8 of whole cloth. I would suspect that a page and a
9 half of notes over the course of an hour and a half
10 conversation can reflect all kinds of slight nuance
11 differences.

12 Q The last paragraph of this entry talks
13 about the note. Then it says "Collier has a
14 'suspicion' which he said was not backed by evidence
15 that it may have been torn by someone other than
16 Foster." Do you recall saying that at the meeting?

17 A Like I said before, I recall a discussion
18 where I passed along concern by the Park Police --
19 and not my concern, but concern by the Park Police --
20 that they had a number of questions regarding this
21 note and this was one of them.

22 Q Did you ever talk to Web Hubbell about --

1 do you know Web Hubbell?

2 A I do know Web well, yes.

3 Q Did you ever speak to Web Hubbell about
4 this particular investigation?

5 A You know, I may have mentioned to Web that
6 I talked to Phil, but I don't believe -- I don't
7 believe that I ever discussed the specifics of this
8 at all with Web.

9 Q Do you know if Web ever said anything to
10 about putting a lid on the Foster case?

11 A I have no recollection, no knowledge of
12 that.

13 Q Phil didn't say anything to you about that,
14 complaining about Hubbell at all?

15 A I don't think Web's name came up in my
16 discussion with Phil.

17 Q Do you recall Phil saying "that he wanted a
18 vigorous investigation of the Foster paper issue,"
19 the words "vigorous investigation"?

20 A Doesn't ring a bell.

21 MR. BEN-VENISTE: Sorry. I didn't hear the
22 end of the question. Vigorous investigation about

1 what? Could you read the question.

2 (The reporter read the record as requested.)

3 THE WITNESS: No.

4 BY MR. GIUFFRA:

5 Q Okay. I'm almost done. Do you have any
6 knowledge of the removal of any documents from
7 Foster's office other than from the press?

8 A No, not other than from the press.

9 Q Do you recall ever discussing with anyone
10 either from the Park Police or the White House some
11 news stories in which Park Police officials were
12 complaining about the White House's conduct or at
13 least role in their investigation?

14 A I'm sorry. Try your question again.

15 Q Let me restate that question.

16 A I thought you were headed somewhere else.

17 Q Did you have any discussions with anyone
18 from the White House about news stories discussing
19 the Park Police's investigation into Foster's death?

20 A You know, I had so many conversations with
21 those folks, I don't recall a specific discussion.

22 Q Was it fairly regular, do you have fairly

1 regular conversations with people at the White House
2 in your job?

3 A Yes.

4 Q On a daily basis?

5 A Yes.

6 Q More than daily basis?

7 A More than daily basis.

8 Q Other than in the newspapers, have you
9 ever -- did you ever hear anything about the removal
10 of a box from Vince Foster's office?

11 A That's where I thought you were headed
12 before.

13 No, and I am confident that I never did
14 hear that. And I was surprised to see it recently
15 being expressed in the newspapers because I several
16 times asked the Park Police whether they got access
17 to everything they wanted, whether there were any
18 other access concerns, et cetera, et cetera,
19 et cetera, and I was assured ultimately that there
20 were not. And this issue never came up.

21 Q Who were the assurances from?

22 A The chief.

1 Q Are you aware of any contacts between
2 anyone from the Department of Justice and the Park
3 Police, direct contacts rather than through you?

4 A Oh yeah, a bunch.

5 Q Okay. Could you --

6 A I'm just aware that there were discussions.

7 Q You don't remember any of the specifics?

8 A No, but I'm confident there were some.

9 Q And would those communications have been
10 through Chief Langston or also --

11 A I have no idea.

12 Q No idea.

13 A The FBI and the Park Police ended up
14 working on this kind of hand in glove, so I know that
15 that's the Department of Justice, so there certainly
16 were those contacts at that level. And I believe
17 there were contacts with attorneys in Justice
18 Department also.

19 Q Did you have any discussions with anyone
20 from the Justice Department when the Park Police and
21 Justice Department released the, I guess it was a
22 determination that Foster had died through a suicide?

1 A I don't believe I had any discussions with
2 them about that.

3 Q Do you recall any other discussions about
4 the Foster investigation that we haven't covered
5 here?

6 A Yeah, there were a series of discussions
7 regarding release of information to the press that I
8 also got involved in --

9 Q And when would those conversations --

10 A -- kind of throughout the process.
11 Subsequent to all that we've talked about here,
12 subsequent to the resolution of the access, access
13 questions, but there was questions about Freedom of
14 Information Act requests that had been sent to the
15 department by several representatives of the press
16 with respect to the suicide note.

17 There were several leaks during the course
18 of the investigation that counsel for the Foster
19 family complained about. And I think those were the
20 only issues that I was involved in.

21 Q Okay. Other than before a grand jury, or
22 with regard to the independent counsel, have you

1 spoken to anyone else about the Park Police's
2 investigation into Foster's death?

3 A I have spoken to my wife about it. I may
4 have mentioned various parts of it to friends, but I
5 don't believe I have had any kind of substantive,
6 lengthy discussion with anyone about it.

7 Q Do you recall any -- this would be from
8 this morning going back -- any other discussions
9 other than the ones you've testified to today with
10 the White House about the Park Police's investigation
11 into Foster's death? And that would include counsel
12 at the White House.

13 A Around the question of the leaks in the
14 investigation, I had another phone call or two with
15 David Gergen.

16 Q When you speak of leaks, are these leaks
17 that were occurring in the July, August, 1983 --

18 MR. ELLIOTT: 1993 you mean.

19 BY MR. GIUFFRA:

20 Q 1993 period or are we talking about things
21 that may be in 1994?

22 A I can't place the time frame at all. I

1 think it was later than the July, August time frame.

2 Q This would have been, say for example, the
3 Fiske investigation or during the course of the Starr
4 investigation?

5 A I just can't remember the time frame, I'm
6 sorry.

7 Q It would have been after, say, August of
8 '93?

9 A I believe it was after August, yes.

10 Q Do you recall how many conversations you
11 would have with David Gergen?

12 A One or two that's all.

13 Q Do you remember anything else about the
14 substance of those conversations?

15 A Just calling to tell him that counsel was
16 concerned about the leaks, that I didn't know where
17 they were coming from, that there were two or three
18 sources of the information, that I thought the White
19 House was one possible source of the information.

20 I wanted to express to him my concern about
21 the professionalism associated with leaks from such
22 an investigation and ask him to do whatever he could

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1 do to undertake to make certain that they were not
2 coming from the White House. I had a similar
3 conversation with someone at the Justice Department,
4 I don't remember who it was, and several such
5 discussions with Chief Langston.

6 Q Do you recall the subject matter of the
7 leaks?

8 A I don't recall. Some press story. I don't
9 recall what it was.

10 Q Can you think of any other conversations
11 you might have had with either the Justice
12 Department, White House, with regard to --

13 A No.

14 Q Have you spoken with anyone at the White
15 House with regard to the Whitewater investigation?

16 MR. BEN-VENISTE: I'm sorry. Whitewater
17 investigation?

18 MR. GIUFFRA: Yeah, generically.

19 MR. ELLIOTT: I would ask that we -- if
20 this is about the end of where you are?

21 MR. GIUFFRA: I just want to find out
22 whether --

1 MR. BEN-VENISTE: Is this about the end of
2 your inquiry?

3 MR. GIUFFRA: Very close.

4 MR. ELLIOTT: Maybe we should defer that
5 and you and I should discuss this issue.

6 MR. GIUFFRA: Richard, I -- the purpose for
7 my question is to find out whether he's had -- let me
8 just ask my questions typically, and if you want to
9 raise an objection to the relevance of them.

10 I think they're completely within the
11 bounds here.

12 MR. BEN-VENISTE: You are asking whether he
13 had any discussions with anyone about the Whitewater
14 investigation.

15 MR. GIUFFRA: Correct.

16 MR. ELLIOTT: But Mr. Giuffra, you said
17 this morning the focus is the handling of the Vincent
18 Foster documents and the connection with that
19 investigation, and not with the Whitewater
20 investigation.

21 MR. GIUFFRA: But to the extent that this
22 witness has involvement other than -- so far as we

1 know his only involvement with regard to that
2 investigation is with regard to the Foster Park
3 Police investigation, if there are --

4 MR. ELLIOTT: That's right, and as to what
5 he's testified to.

6 MR. GIUFFRA: But I would just like to find
7 out between, from the time of that investigation and
8 the present, whether he's had any other -- I'm not
9 looking for specifics, I'd just look to flag the
10 issue.

11 THE WITNESS: Can we chat for just a
12 second.

13 MR. GIUFFRA: Sure.

14 (Witness conferred with counsel.)

15 THE WITNESS: I have had no substantive
16 discussion with anybody at the White House on
17 Whitewater at all. I have occasionally said to
18 somebody do you think what's his name, who was the
19 chief of staff to Secretary Bentsen?

20 MR. GIUFFRA: Altman.

21 THE WITNESS: Do you think he's going to
22 survive this or --

1 BY MR. GIUFFRA:

2 Q Other than gossip?

3 A Nothing, absolutely nothing.

4 Q And so for example, with regard to your
5 testimony here today, you haven't spoken with anyone
6 in the White House counsel's office about the
7 substance of that testimony?

8 A Not at all.

9 Q Or anyone else at the White House?

10 A Or anyone else at the White House.

11 MR. BEN-VENISTE: I don't see the link
12 between those two questions. This is an
13 inappropriate question to ask.

14 MR. GIUFFRA: I think they're very
15 appropriate questions.

16 MR. BEN-VENISTE: I just didn't see a link
17 between that and the Whitewater questions you were
18 asking.

19 MR. GIUFFRA: No further questions.

20 MR. IVEY: Can we take a short break?

21 (Recess.)

22 EXAMINATION

1 BY MR. IVEY:

2 Q Good morning. I just have a few questions
3 I wanted to ask before we wrap up. You mentioned
4 earlier that you thought there were difficult legal
5 issues involved regarding privilege with respect to
6 the documents in the office; is that correct?

7 A I did mention that, yes.

8 Q What types of privilege or sensitivity
9 issues do you think could have arisen from going into
10 the office?

11 A Well, I think a couple times in my career
12 I've had to struggle with issues of executive
13 privilege which are -- to say they're complex is an
14 understatement. And issues, of course, of
15 attorney-client privilege.

16 And then just sensitivity to, given the
17 kinds of things that I know the White House counsel
18 works on, and I think that probably it was a pretty
19 tough decision to decide how to handle issues of
20 sensitivity and privilege, particularly if those
21 things weren't in fact relevant to an investigation.
22 So I think that I was glad I didn't have to make the

1 decision on how to handle that issue.

2 Q Is it fair to say this was a decision that
3 was not expected by the people in the White House,
4 that they'd have to make it quickly?

5 A I think that's fair to say.

6 Q Let me ask you this too. You also spoke in
7 terms, I think primarily, of the political
8 ramifications of the decision. Is that a fair
9 characterization of your testimony?

10 A Yes.

11 Q What were the political concerns that you
12 thought they had to consider?

13 A I'm not -- I'm not sure I've ever really
14 slowed down to think about the political concerns,
15 kind of the greater sense that they were trying to
16 consider.

17 The one that I was most concerned about is
18 that my political instinct was that the best way to
19 have this issue finally and completely resolved, so
20 that it could be appropriately put behind the White
21 House, would have been to have had the most access
22 possible during the course of the investigation, and

1 that's what was motivating my interest in getting
2 involved.

3 Q You said you spoke with, I believe,
4 Mr. Neel and Mr. Burton at the White House, and you
5 described them as being grief-stricken; is that a
6 fair characterization?

7 A Yes, that is.

8 Q What was it about them that led you to feel
9 that they were grief-stricken?

10 A The stress and strain in their voices.

11 Q You could tell just by talking to them?

12 A Just by talking to them, yes.

13 Q Were there other people in the White House
14 that you felt were grief-stricken at the time that
15 you spoke to?

16 A I don't remember anyone else that I spoke
17 with at that time so I didn't have that sense of
18 other people.

19 Q Did you feel that their grief and maybe
20 their closeness to Mr. Foster prevented them from
21 having a sense of the long-term political
22 ramifications of this investigation?

1 A Yeah, that's the perfect characterization
2 of what my concern was.

3 Q Now, you had several conversations with
4 Chief Langston during this time period?

5 A Yes.

6 Q And the primary issue that you've raised
7 about those meetings and conversations was the access
8 issue?

9 A Yes.

10 Q Now, you took steps by making phone calls
11 to the White House and those sorts of things to
12 address the access issue with respect to the Park
13 Police investigation?

14 A I did.

15 Q And Chief Langston came back to you
16 ultimately and discussed the access issue with you
17 again?

18 A We had several subsequent conversations --
19 and I think they were all telephone conversations, I
20 don't think we had a meeting -- the point of which
21 was my asking him if we had resolved the access
22 issue.

1 Frankly, I was trying to avoid myself
2 making the judgment as to whether it had or hadn't
3 been resolved. What I wanted was Chief Langston
4 satisfied.

5 And so I kept saying to him, are you
6 satisfied now, and when he would explain to me
7 something I'd say no, I'm not interested in how it's
8 being resolved, I want to know whether you're
9 satisfied, because that's really what my goal was,
10 was to have the chief of the Park Police in a
11 position where he believed he had received access to
12 everything he thought was appropriate for that
13 investigation.

14 Q Did the chief ever tell you that he had
15 reached that point --

16 A He did.

17 Q -- where he was satisfied with everything?

18 A He told me that he was satisfied they had
19 everything they needed.

20 Q Was this before they closed the case?

21 A Yes, it was.

22 Q Did he contact you before the close of the

1 case?

2 A I don't remember whether we had kind of a
3 routine "I'm ready to close the case" or not.

4 Q And again with respect to the access issue,
5 that dealt with the interviewing of witnesses that
6 they wanted to talk with and looking at documents
7 that they thought would be relevant to this
8 investigation?

9 A And the issue of the process of interviews.

10 Q Process of --

11 A Process of interviews, who was going to be
12 present, so forth.

13 Q Now, your concern about political
14 ramifications of how the search was handled or the
15 search was handled ultimately I guess became true, it
16 did become a big political issue for them?

17 A That's the way I read the papers, yes.

18 Q And that the issue about the removal of the
19 Park Police from the investigation entirely, I take
20 it that was also resolved around the potential
21 ability of the FBI to lend additional expertise to
22 the investigation?

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1 A I think so. And that issue came up in
2 discussions as we kind of speculated about various
3 ways to handle this. I was on a mission to get this
4 access issue resolved, and I wasn't going to quit
5 until I got it resolved. The FBI versus Park Police
6 thing, I mean it just was a not in the same league.

7 That was one of several things we were kind
8 of speculating about, as to whether it's something we
9 ought to think about. And so it kind of, it has
10 appeared in a memo with some other things. In my
11 mind, the issue I was after resolving was the access
12 issue, and I wanted to make sure I did, and I think I
13 did.

14 Q You have confidence in the Park Police's
15 ability to conduct a suicide investigation?

16 A I do.

17 Q Have you seen or heard anything that led
18 you to question their competence in this matter?

19 A No.

20 MR. IVEY: Can I pause for just a second --
21 I don't have any other questions.

22 MR. GIUFFRA: No questions.

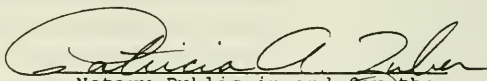
1 (Whereupon, at 11:19 a.m., the deposition
2 was concluded.)
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4

5 THOMAS C. COLLIER, JR.
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CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, PATRICIA A. ZUBER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.


Notary Public in and for the
District of Columbia

My Commission Expires FEBRUARY 14, 2000

[illegible]

for the Chief of Staff
for the DM
 Meeting with Tom Collier, (208-7351) Chief of Staff for Secretary Babbitt 7/29/93 DM and RCA

Told us of a meeting on Wednesday, July 21 at about 11:00 A.M. to discuss how the investigation would be handled. Present were

David Watkins
 Bill Kennedy
 Webb Hubbell
 James Hamilton
 Bernie Nussbaum
 Charles Hume, Park Police and probably Pete Markland (a Park Police Detective)

George Stephenopolous, who went in and out and said have the Park Police handle it as it would any other investigation.

This was the first indication David and I had of this meeting

Next topic was DM and RCA told Collier of the Wednesday meeting where we went over the ground rules for the search the next day

Told Collier of the Meeting between DM, RCA and Nussbaum on Thursday morning at which Bernie said he would examine the documents himself and we would not see them. Told him how we argued with Bernie that that was not a good idea, big mistake, Nussbaum made us wait while he considered the question, and at after 1:00 conducted the search with him and his staff only actually seeing the documents.

Collier called the White House (probably yesterday 7/28

Received calls back from Roy Neill, McClarty's Deputy and Burton (a Rose law firm alumni who may have been present during the office search representing the Chief of Staff's Office. These calls were defensive in tone, said the investigation by the Park Police was done routinely and if a screw up in the investigation it was by the Park Police. It was probably at this point we discussed the brief case. We told Collier there was no way Nussbaum would have let the Park Police see it. "We'd have had to get it by force."

Recommendations by Collier

1. Take investigation away from Park Police and give it to FBI. Park Police can't handle this in his opinion both because they can't handle the high level WH people (then who could) and because they are capable of doing a stabbing in a Nat'l Park but not a case like this (Valid concern???) He said we have a window here to do something before the press forces us to do it with inevitable stories about the investigation being botched up because the not

F 006139

wasn't found.

2. If we don't do the preceding, do not allow the White House to continue to call this a routine suicide investigation.

3. White House better get its act together to deal with adverse press/public reaction.

His underlying thoughts are that this investigation was controlled by Rose law firm persons who had as their first concern protecting the name and memory of Foster. That is the way the press will play it over the next few weeks. Naturally, this will make the Park Police look bad. He also mentioned that Secretary Babbitt, said to have great political instincts, believes WH Counsel will be in real trouble over this whole investigation and is likely on the way out.

Note found is being pieced together by Park Police lab. Collier has a "suspicion" which he said was not backed by evidence that it may have been torn by someone other than Foster.

F 000140

**DEPOSITION OF JOHN W. MAGAW
IN RE: S. RES. 120**

FRIDAY, JUNE 23, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of JOHN W. MAGAW, called for examination pursuant to notice of deposition, at 10:00 a.m. in Room 640-A of the Hart Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
NEAL E. KRAVITZ, Esq.
Minority Principal Deputy Special Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

TIMOTHY M. FOLEY, Esq.
BILL CLANCY, Esq.
U.S. Secret Service
Office of Chief Counsel
1800 G Street, NW
Room 842
Washington, DC 20223
On behalf of the Deponent.

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PROCEEDINGS

Whereupon,

JOHN W. MAGAW

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. JOHNSON:

Q Good morning, Mr. Magaw.

A Good morning.

Q We've had a chance to meet off the record.

Let me, as a formality, reintroduce myself for purposes of the record. My name is Everett Johnson and I'm one of the attorneys working for the Majority staff for the Senate Special Committee investigating Whitewater and related matters. Also here with me this morning is Mr. Kravitz, who you've also met off the record, and he's one of the attorneys working for the Minority staff in connection with the same investigation.

What brings us here this morning is Senate Resolution Number 120, which constitutes the Committee and authorizes the Committee to conduct

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this investigation and directs the staff to undertake certain parts of that investigation. Let me ask you as a preliminary matter, whether or not you've been deposed previously? And I don't mean, sir, in connection with this particular event, but just generally.

A Have not.

Q Let me spend a brief moment on a couple of procedures that I know will be obvious to you, but it will make us more efficient this morning. Ms. Baker is our certified shorthand reporter and she will make a verbatim transcription of the questions that I ask and Mr. Kravitz may ask and the answers that you give. It is easier for her to do her job if you'll await the conclusion of the question before you offer an answer. Sometimes it's easy to know what the question is, but if you'll wait until you've heard the end of it. Similarly, if you'll answer verbally as opposed to nonverbal means of communications because she can't transcribe nonverbal communications.

I'll try and be as clear as I possibly can

1 be. None of the questions I ask are designed to be
2 remotely deceitful or tricky, so if the question is
3 confusing in any way, please feel free to tell me the
4 question I've asked doesn't make sense. If you need
5 to consult with the attorneys who are present at any
6 time, feel free to do that. Is this clear enough so
7 far?

8 A Sure is.

9 Q Let me just ask, as a preliminary matter,
10 whether or not you met with anyone to prepare for
11 your deposition testimony here today?

12 A I did, the two legal counsel who are here
13 now.

14 Q I assume no one else was present during
15 that meeting?

16 A No one else was present.

17 Q Other than that meeting you had with your
18 legal counsel, have you discussed your deposition
19 testimony here today with anyone?

20 A Yes, John Kelleher, who is their
21 supervisor, called me a few days ago and mentioned
22 that it would be taking place.

1 Q Is Mr. Kelleher an attorney?

2 A He is. What is the title?

3 MR. CLANCY: Chief counsel.

4 THE WITNESS: It was a logistical kind of
5 thing and, of course, I asked to have a meeting to
6 refresh my mind in some areas.

7 BY MR. JOHNSON:

8 Q Other than meetings that you may have had
9 with various counsel, I take it you haven't discussed
10 your testimony with anyone who's not an attorney?

11 A No.

12 Q Take 15 or 20 seconds, although I think
13 your career is well known, and tell us if you would,
14 please, your working history with the government.

15 A I came into the Secret Service in June, 19th
16 of 1967 at Columbus, Ohio, stayed with the
17 Secret Service until appointed director of ATF in
18 October of 1993. At the time I was appointed
19 director of ATF, I was the sitting director in the
20 Secret Service and virtually had come up through the
21 ranks in those years, virtually, I think 14 or 15
22 assignments during that period of time.

1 Q You used the phrase "sitting director."
2 You don't mean acting, you were the actual director
3 of the Secret Service; is that correct?

4 A I was the actual director of the
5 Secret Service, yes.

6 Q And organizationally during the period of
7 time when you were the director of Secret Service, to
8 whom did you report, Mr. Magaw?

9 A I report actually to the -- now the
10 undersecretary. It was then the assistant secretary
11 for enforcement at United States Treasury Department.

12 Q And roughly 1993, was that Mr. Noble?

13 A That's correct.

14 Q And to whom do you report, if anyone,
15 today?

16 A The same individual.

17 Q And that's still Mr. Noble?

18 A Mr. Noble. Different title. It's been
19 upgraded to the undersecretary position.

20 Q My questions will principally concern the
21 events surrounding Mr. Vincent Foster's suicide on
22 July 20, 1993, and, generally speaking, my task today

1 is just to find out what involvement, if any, you had
2 in the investigation in the events surrounding the
3 suicide and also to find out what, if anything, you
4 have learned about those events, whether or not you
5 participated generally in them. And all of my
6 questions are really designed to touch on those two
7 basic topics.

8 Did you know Mr. Foster?

9 A Yes.

10 Q When, if you recall, did you learn of
11 Mr. Foster's death?

12 A It would have been early evening of the
13 20th. I received two or three phone calls back and
14 forth between our intelligence division,
15 Secret Service intelligence division, so I would put
16 it somewhere between 6:30 and 7:00 and 9:00 p.m. that
17 those calls took place at the same time, or a few
18 minutes before that I might have seen it on CNN, but
19 that's the general things as I recall.

20 Q I assume in your responsibilities as the
21 director of the Secret Service you didn't have any
22 responsibility at all for the Park Police; is that

1 correct?

2 A That's correct.

3 Q And similarly, you didn't have any
4 responsibility for the FBI?

5 A That's correct.

6 Q Do you recall whether or not you were at
7 home when you were called, Mr. Magaw?

8 A I don't believe I was at home when I
9 received the first call. I certainly was during the
10 subsequent calls in the evening, but it's been two
11 years ago. You get so many calls in your automobile
12 and are paged and return calls. I don't remember
13 exactly where I was, but in terms of at least one of
14 the calls of the two or three that I received was at
15 the residence.

16 Q Even though I know it's difficult today to
17 remember exactly how many calls you may have
18 received, do you remember who any of the callers
19 were?

20 A Well, it would have been a duty desk for
21 the intelligence division and, of course, those
22 agents rotate all the time. Of course, that's a

10

1 24-hour desk, and that's the way the messages are
2 passed, the Secret Service quick notification to the
3 director. They will pick the phone up and call you
4 day or night.

5 Q So it would have been an officer sitting at
6 that desk whose name you don't recall?

7 A It would have been an agent. Because in a
8 year's period of time, you will receive 70, 80, 90,
9 100 calls like that.

10 Q So that would be one of the telephone calls
11 that you received. Do you remember who any of the
12 other callers were?

13 A I think they would have all come from that
14 intelligence division desk. At least two of them
15 would have. The other one I just don't -- they might
16 have, all three, come from there. I don't remember
17 talking to anybody specific. It was just kind of
18 notification, this has happened. My concern was
19 White House identification, those kind of things, so
20 they would come back and say yes, they do have the
21 White House identification. That way there's no
22 security breached there.

1 Q The White House identification, you mean
2 Mr. Foster's pass card?

3 A Uh-huh. So that's how I might ask a
4 question. They would call me back with it. It was
5 kind of an update type of thing.

6 Q In the course of that evening, did you ever
7 have any conversations with anyone on the White House
8 staff, to the best of your recollection?

9 A No, did not.

10 Q And in the course of that evening, did you
11 ever have any conversations with any representatives
12 of the Park Police?

13 A No, I did not.

14 Q You may have already answered this
15 question, Mr. Magaw, in some of your previous
16 responses. What generally was the nature of your
17 conversations with the Secret Service intelligence
18 desk that evening?

19 A After the first call notifying me that his
20 body had been found and that Park Police was on the
21 scene, I would just say as you get new information
22 keep me informed, and one of the things we want to be

1 careful of, was this a robbery? Where is his White
2 House identification? So one of the call-backs would
3 be to tell me that that's investigated by the Park
4 Police. I don't remember any other specific
5 questions that I might have asked, but just the
6 general things that might come to my mind about
7 security in the complex.

8 Q On the evening of July 20th, did you have
9 any conversations with anyone on the general topic of
10 whether or not increased security should be applied
11 to Mr. Foster's office or to the White House
12 counsel's suite generally?

13 A I did not.

14 Q Mr. Kravitz has been kind enough to show me
15 a document that may assist you in your memory, and
16 let me show it to you. It's a memorandum which
17 carries the date 7/20/93 at 22:01 p.m. and it says at
18 the top "United States Government Memorandum U.S.
19 Secret Service." It also bears a document production
20 number 6200. Let me show you this, Mr. Magaw, and my
21 first question is whether or not you've seen it
22 before, but then I'll direct your attention to the

1 highlighted portion.

2 A I don't recall ever seeing this.

3 Q And the highlighted portion suggests that
4 an officer by the name of Griffin may have notified
5 you of the death of Vincent Foster. Does that
6 refresh your recollection at all?

7 A No. I can't tell whether this came from
8 058 -- there's a uniformed division command center in
9 the White House complex. There's also one over --
10 they're saying that this person contacted me?

11 Q That's what it appears to say to me, and
12 that's really my question. Does that refresh your
13 recollection at all about whether or not it might
14 have been a uniformed officer?

15 A This is not a uniformed officer. This is
16 the U.S. UD. No, it doesn't help me any at all. All
17 I remember is more than one call.

18 Q And I understand how difficult it is to
19 remember this far back in time, but you are certain
20 that on that evening you didn't have any discussions
21 with anyone about posting additional security or
22 securing Mr. Foster's office or the White House

1 counsel's suite?

2 A I don't remember discussing it with
3 anyone. I certainly thought about it myself, if it
4 was something we ought to be doing, but I don't
5 remember discussing with anyone.

6 Q Do you remember today what your own
7 thoughts were about it at that time?

8 A Well, the security of the complex, the
9 identification was located. What about his office?
10 Going through my mind, it was not our investigation.
11 Nobody had contacted us to make that investigation.
12 It's a very fine line you walk in that White House
13 complex because it's the elected administration's
14 home office so you don't move in and take these kinds
15 of actions to secure it, although it did -- it was in
16 my mind and I was thinking about it. I made the
17 judgment that it was not our investigation. If Park
18 Police or the FBI -- the FBI has a couple of agents
19 who are located there in the complex who would know
20 how to get ahold of me should that occur, then I
21 would make some judgments after that.

22 Q Generally speaking, as a matter of

1 procedure, had the Park Police made a request to,
2 hypothetically, the Secret Service on that evening to
3 secure the office, is that a request that you would
4 have complied with?

5 A Well, I would have certainly talked to the
6 FBI representatives there, also their legal counsel
7 and our legal counsel. So it certainly would have
8 caused me to at least make some inquiries and make
9 some judgments.

10 Q And just to be clear, because I've asked a
11 hypothetical question, that didn't happen on the
12 evening of July 20th?

13 A It did not happen.

14 Q Do you recall anything else in connection
15 with Mr. Foster's death or the investigation of
16 Mr. Foster's death from the evening of July 20th,
17 1993?

18 A No.

19 Q To the best of your recollection, you
20 participated in some small number of telephone calls,
21 but that's all that you recall?

22 A Yes.

1 Q Let me now ask you about the following day,
2 July 21, 1993. What, if anything -- strike that,
3 Julie.

4 What, if any, participation did you have in
5 the events surrounding Mr. Foster's suicide and
6 subsequent investigation?

7 A Well, the next morning I received a call
8 from legal counsel's office.

9 Q Is that from the White House legal counsel?

10 A The White House legal counsel's office
11 requesting that we post security on the office door.

12 Q Do you have any recollection of what time
13 that call may have come in?

14 A Somewhere in the 10:00 range in the
15 morning. We have a time line here. I don't know if
16 that would tell me for sure or not. Sometime between
17 10:00 and 10:20 there.

18 Q Just for the record, so it will be clear,
19 Mr. Magaw, you're referring to a document entitled, I
20 believe "Chronology of Events Regarding the Suicide
21 of Mr. Vincent Foster, Deputy Chief, White House
22 Legal Counsel"; is that correct?

1 A That's correct.

2 Q For the record, that document bears
3 document production number 6231. I know, Mr. Magaw,
4 that doesn't appear on your copy, but that's been
5 placed on our copy of that. And by referring to
6 that, it's your best recollection that somewhere in
7 the vicinity of 10:00 a.m. on the morning of the 21st
8 that request came to you?

9 A Yeah, it came to me from a Linda Tripp.

10 Q Did you speak personally with Ms. Tripp?

11 A Yes.

12 Q Who is Linda Tripp?

13 A She was a staff assistant in the legal
14 counsel, White House legal counsel, and then she said
15 Mr. Nussbaum had requested her to make the call and
16 requested us to set up security on Mr. Foster's
17 office.

18 Q I realize it's an unfair question, but do
19 you recall anything more about that conversation
20 other than that?

21 A No, because it was a very quick
22 conversation. It was one, could you do it within the

1 next few minutes and we'll talk about it later. Just
2 get that done, please. It was that kind of a call.

3 Q Did Ms. Tripp express any rationale for the
4 request for increased security?

5 A No.

6 Q As best as you can recall, it was really a
7 10- or 15-second kind of conversation?

8 A That's correct.

9 Q Just to see whether it refreshes your
10 recollection, did Ms. Tripp say whether or not anyone
11 had been in Mr. Foster's office since the time of his
12 death in that telephone call?

13 A Not that I recall, and I recall asking
14 her -- we were going to do that as a follow-up went
15 along. I just wanted to get the security on there as
16 quick as we could.

17 Q Did you know Mr. Nussbaum personally?

18 A Not personally. I had met him a time or
19 two and knew him to see him, but not any personal
20 contacts.

21 Q Did you ever speak with Mr. Nussbaum on
22 July 21, 1993?

1 A I don't recall ever speaking to him on the
2 21st.

3 Q What, Mr. Magaw, did you do in response to
4 Ms. Tripp's request for increased security?

5 A Assistant to the special agent in charge,
6 Donald Flynn, is a supervisor on the Presidential
7 protective division. I got ahold of him and gave him
8 specific instructions to assume that post immediately
9 and, in the process, get a uniformed division officer
10 in there and I left it to his responsibility to touch
11 base with the White House legal counsel office. Also
12 set up a plan with the uniformed division,
13 immediately set up a log so that anybody who went in
14 there was recorded when they went in, what time they
15 went in and that you were to make sure they were
16 under observation when they were in there and record
17 anything that's brought in or taken out of there.
18 And from that point on, he was to work out those
19 procedures with the White House legal counsel.

20 Q Just to touch on a couple of points that I
21 think are clear from your testimony, your
22 instructions to Mr. Flynn were not to absolutely

20

1 prohibit entry into the office, but to maintain a
2 record?

3 A That's correct.

4 Q And also not to prohibit the removal of
5 documents or the placement of documents, but also
6 simply to keep a record of what went in and what went
7 out. Is that a fair statement?

8 A That's correct.

9 Q Do you remember anything further about your
10 conversation with Mr. Flynn? By way of example, did
11 you tell him or did he ask why this additional
12 security was being imposed?

13 A I think I explained that I had received the
14 call and that, obviously, it's in relationship to the
15 death of Mr. Foster last night and that we've been
16 requested to do it and I feel now we can do it
17 because we are the security unit of that complex, and
18 he wouldn't want to bring in Park Police or someone
19 else to do that particular task. I remember saying
20 to him that I have total confidence in your
21 coordination in working with it. I will back out of
22 it so it doesn't confuse the issue. If you need me

1 for any guidance or any of the other staff, we'll be
2 here to assist you. But this is yours to handle.

3 Q And after saying that to Mr. Flynn, did you
4 have any further involvement in the events
5 surrounding Mr. Foster's death, broadly speaking,
6 including the investigation in securing his office on
7 the 21st of July 1993?

8 A I know my concern was how long this might
9 drag on and overtime for personnel and is there a way
10 that I could secure that office within a secure
11 complex that would save personnel and manpower. And
12 I had experience in our technical security division,
13 I knew that we could put a cylinder and a specific
14 security lock and manufacture only one key for that.

15 So I made preparations -- Mr. Flynn and I
16 talked three or four times during the day, and,
17 again, I didn't keep records of those particular
18 calls, but it was kind of ironing out these kind of
19 things. I would call him and not get ahold of him or
20 he would call me and miss me and we would get to the
21 point where we would iron these things out where we
22 were helpful in terms of working with the staff and

22

1 the White House legal office, but at the same time
2 making sure we were doing the best professional part
3 of it we could. So the whole thought is how can we
4 secure that without continuing to keep personnel on
5 there.

6 Q And in your various conversations or phone
7 calls back and forth with Mr. Flynn on that day, to
8 the best of your recollection, did you discuss only
9 the placement of the lock on the door and the
10 logistical arrangements for that, or did you discuss
11 anything else?

12 A I remember reiterating with him to keep a
13 time line because this could later -- we may later
14 need this. Keep a time line and also make sure
15 there's a log for coming in and going out and that
16 log is maintained. And I remember saying talk with
17 the uniformed division supervisors and keep the
18 number of people that push that door as small as you
19 can. You wouldn't want it to be in a push for the
20 whole complex because then you might have 20 people
21 in one day on that door. So I asked him to try to
22 work with the uniformed division to keep the number

1 of people to a minimum.

2 Q When you describe the number of people who
3 push that door, are you describing the number of
4 officers who guard that door?

5 A Right.

6 Q And you're not describing the number of
7 people who go in and out of Mr. Foster's office?

8 A That's right.

9 Q In your various telephone conversations
10 with Mr. Flynn on that day, did you discuss whether
11 anyone had entered the office since the time of the
12 posting of the security guard? Did he say, for
13 example, Mr. Nussbaum went in and took a photo out or
14 something like that?

15 A No, he didn't say anything to me like that,
16 but there was a conversation about -- this has been
17 30-some hours now -- had there been traffic back and
18 forth, and there probably had been traffic back and
19 forth, but that's okay. We still now have been
20 officially requested to keep it from this point on
21 and it's our responsibility not to judge what went on
22 before -- not to try to determine what went on

1 before, but from that point forward, keep the
2 security there.

3 Q Let me ask you a couple of questions about
4 that to clarify it in my mind. Did you learn in the
5 course of the 21st whether or not anyone had entered
6 Mr. Foster's office after his death on the evening of
7 the 20th?

8 A I don't recall hearing anything like that.

9 Q And because I asked the question so badly,
10 I should also ask whether you heard whether or not
11 anyone entered his office on the 21st of July before
12 the guard was posted outside the door?

13 A No, I don't recall hearing that. It was
14 just an assumption -- that was a business place,
15 people in and out -- but nothing as far as --

16 Q As who or when or anything like that?

17 A And I do remember asking -- I didn't think
18 any of our posts were in a position -- our preposted
19 people who are there 24 hours a day, if there's a
20 post that would be able to see that office and the
21 answer to that was no.

22 Q You asked whether or not there would be

1 anyone who could have witnessed who went in or out,
2 and to the best of your recollection the answer to
3 that was no?

4 A Yes, that's to my best recollection.

5 Q Tell me if I'm making the wrong inference.
6 Did you or Mr. Flynn in the course of your
7 conversations on that day raise the question of
8 what's the point of posting security now because the
9 office had been left unsecured for some period of
10 time?

11 A No. I think I was stating that to him so
12 that he would know because it went through my mind
13 the night before, should we place security on there.
14 I was saying to him now that the request is made,
15 it's our responsibility to carry it forward, and I'd
16 like you to take care of it. Didn't say anything
17 more than that.

18 Q Do you recall learning -- and I apologize,
19 my mind is telling me I may have asked you this
20 already -- do you recall learning at any time on that
21 day whether or not Mr. Foster's office was entered
22 after the security was posted?

1 A I talked to Flynn a number of times that
2 day and I don't remember. I know we had the log set
3 up, but I don't think I asked him anything about who
4 had come in or went out. I don't believe so.

5 Q Did you later learn through some means,
6 even by reference to the log that the office was
7 entered twice on that day while the guard was posted?

8 A I knew it had been entered. I wouldn't
9 have been able to tell you how many times unless I
10 looked at the log, but I knew it had been entered.

11 Q I think the log may actually be the third
12 page of the document which we previously identified
13 as bearing document identification number 6231 and
14 for the record, you're looking at what is designated
15 on our copy as page 6233. That's the handwritten
16 log, isn't it, Mr. Magaw?

17 A Yes, it is.

18 Q And I don't mean to spend a lot of time on
19 this but as I read this log, it indicates the office
20 was entered twice on that day, once at 11:10 a.m. by
21 Mr. Nussbaum and once at 6:34 p.m. by Mr. Sloan?

22 A That's correct.

1 Q And it doesn't reflect any other entries on
2 that day other than the placement of the lock later
3 in the evening; is that correct?

4 A That's correct.

5 Q I guess my question is generic. Would the
6 entry by Mr. Nussbaum or the entry by Mr. Sloan have
7 been inconsistent with your directions to Mr. Flynn
8 to secure the office?

9 A No.

10 Q You contemplated that people might enter
11 the office. You just wanted him to keep a log of it?

12 A Keep a log and also view them while they're
13 in there.

14 Q Mr. Sloan replaced documents or a bag of
15 trash, as it says in here in the office at 6:34 p.m.
16 on that day. In your understanding of the
17 instructions, should the guard have reviewed that
18 trash to see what was in it at that time?

19 A No.

20 Q What else, Mr. Magaw, if anything, did you
21 participate in on the 21st of July 1993 in connection
22 with Mr. Foster and his death?

1 A Again, I received again, two or three calls
2 in the evening saying that we have the lock. It will
3 work. We're getting ready to install it, and then I
4 was called and told the lock was installed and it was
5 secured by the lock.

6 Q To the best of your recollection, we fairly
7 described everything that happened, at least that you
8 recall, on the 21st of July?

9 A That's correct.

10 Q Let me now ask you about the 22nd of July.
11 What, if anything, did you do or participate in in
12 connection with Mr. Foster's death and the
13 investigation of that on that day?

14 A Other than to have a conversation with
15 Mr. Flynn that it was going along, things were
16 working smoothly, that's it.

17 Q I should have asked you on the 21st, and I
18 forgot. In your various conversations with a number
19 of people about the lock being placed on Mr. Foster's
20 door, did you have any conversations with Mr. Noble
21 on that day?

22 A I don't remember specific times. The

1 deputy, Guy Caputo, when we have situations like
2 this, we try to make sure we keep Treasury advised.
3 I would have talked to Mr. Noble during this 2-1/2
4 day phase two or three times. Mr. Caputo probably
5 would have probably also talked to him so it's hard
6 for me to sort out what I told him, when I called
7 him. I just know that he was informed of the
8 step-by-step process.

9 I do remember talking to him on the morning
10 of the 21st to tell him what we had been doing, that
11 Flynn was over there, that he was on the door, it was
12 secure and we had received a request. I don't
13 remember how many times I talked to him after that to
14 keep him advised, but I know that every time there's
15 an event going on, I make sure it's one of the first
16 things in my mind, is to make sure Treasury is
17 advised and it's Mr. Noble's responsibility to keep
18 the Secretary advised.

19 Q When you informed Mr. Noble that Mr. Flynn
20 was going to post security outside of Mr. Foster's
21 office, do you remember anything about Mr. Noble's
22 response? Did he say good or fine or why?

30

1 A He thought it was fine, the way we were
2 doing it.

3 Q And you don't have any more detailed
4 recollection than that, I take it?

5 A No.

6 Q Mr. Magaw, do you think that we have
7 covered, to the best of your recollection, your
8 participation in the investigation of Mr. Foster's
9 death and the handling of the documents and the
10 securing of the office on July 20th, 21st and 22nd,
11 1993? Is there anything I've missed or neglected to
12 ask you about, sir?

13 A No, sir, not that I can recall.

14 Q What about after July 22nd, what
15 involvement, if any, did you have in any of those
16 events, the investigation of the death or the
17 documents or the office?

18 A Let me just ask my counsel.
19 (Witness conferred with counsel.)

20 THE WITNESS: The chief of the Park Police,
21 Robert Langston, we've worked together many years,
22 and we're not close personal friends, but we're close

1 friends in terms of our functions, his as chief and
2 me as the director. And if there was a week or so
3 that went by that we didn't check on how are we doing
4 with each other because the Park Police had the
5 responsibility right outside the fence or if he had a
6 problem, he'd pick the phone up and call me.

7 At some time during this process, and I
8 believe it was the first day on the 21st, I picked up
9 the phone and called the park chief, Bob Langston and
10 said to him you know, if there's anything that you
11 need, if you need some cooperation from us, if you're
12 having problems with anything that we can be helpful
13 with, we stand ready to be helpful. We know we're
14 not part of the investigation, but whoever your team
15 is, we want to be helpful wherever we can be. But
16 that's a normal thing that I would do.

17 We didn't discuss details of the
18 investigation other than I remember him saying that
19 so far, things looked like it's a suicide. We're
20 going to have some -- that's why I think it was
21 probably the morning of the 21st, because he said
22 we're going to be sending our investigators over and

1 the FBI is involved with us on the investigation.
2 And so I said well, for every participant, so that I
3 won't be making three or four calls and looking like
4 I'm trying to be involved in it, I just want you to
5 know and anybody that's assisting you in this
6 investigation that we'll be helpful wherever we can
7 and that was the end of the conversation. So that's
8 all.

9 And I may have in the subsequent day or
10 two, either he called me or I called him with the
11 same kind of a thing. Yeah, it's going okay. We had
12 a little trouble getting in to begin with. It took
13 us a little longer to get in and search the room,
14 that kind of thing but that is the extent of the
15 conversation.

16 Q When Chief Langston said to you it took us
17 a little longer to get in to search the room, did you
18 understand what he was referring to?

19 A Yes, I understood what he was referring to
20 because they showed up on the first afternoon, and
21 there was a discussion. Then he came back the next
22 day and did the search.

1 Q Mr. Magaw, when you say they showed up on
2 the first afternoon, do you know whether or not, in
3 fact, they actually showed up at or before 9:00 in
4 the morning on the first day? Have you ever heard
5 that stated?

6 A I don't recall hearing that.

7 Q What's the basis of your belief, if there
8 is one, that they showed up on the first afternoon?

9 A It shows in this chronology, I thought.

10 Q I think if you look at the bottom of that
11 first page, it may reflect what you're referring to.
12 And let me just state for the record again, we're
13 looking at a deposition exhibit, previously
14 identified as document numbered of 6231 and 6233.
15 And there's a sentence at the bottom of the first
16 page that says "1:10 p.m. Inspector Dennis Martin
17 UD/WHB met the following" and it identifies two Park
18 Police and two FBI. Is that the basis of your belief
19 that they showed up at 1:00 in the afternoon on the
20 21st?

21 A Yes.

22 Q Would it surprise you if they showed up

1 there at 9:00 in the morning and been there all day?

2 A Now that we're talking about it, I remember
3 when Chief Langston was talking about them being
4 around for a period of time. I didn't realize they
5 stayed in the complex. I assumed they came to the
6 complex and made arrangements to come back and came
7 back later. I didn't realize they stayed the entire
8 time.

9 Q Was Chief Langston complaining about the
10 denial of access to Mr. Foster's office on the 21st?

11 A No. He was just saying he wanted to make
12 sure we coordinated with the White House personnel
13 and security and everything else, but he knew there
14 was a delay and he was a little concerned with that
15 delay, not concerned from the point of view of -- he
16 realized that there had to be a number of people
17 conferring and the attorneys needed to confer on it.
18 But he would like to get on with the investigation.

19 Q Did Chief Langston or any member of the
20 Park Police ever state or imply to you or complain to
21 you that the White House staff was impeding or
22 interfering with their investigation into

1 Mr. Foster's death?

2 A No, sir, not to my knowledge.

3 Q Did any other person, including

4 Secret Service personnel who worked for you or any

5 other person ever state or imply to you that the

6 White House staff or any other person had impeded or

7 interfered with the FBI or Park Police investigation

8 into Mr. Foster's death?

9 A No, not that I recall, sir.

10 Q To the best of your knowledge, no one has

11 ever raised that issue with you?

12 A No.

13 Q Did you ever speak with Mr. Nussbaum

14 directly on the topic of Mr. Foster's death or the

15 investigation?

16 A No.

17 Q That's up to and including today, I take

18 it?

19 A That's up to and including today, yes, sir.

20 Q Have you, up to and including today, ever

21 spoken with any White House officials and exclude

22 from your answer, Mr. Magaw, any conversations you

1 may have had with federal investigators or the

2 Independent Counsel on this topic, have you spoken

3 with any White House officials or their attorneys on

4 the topic of Mr. Foster's death or the investigation

5 or the handling of the documents?

6 A No, sir.

7 Q Did you ever learn at any time or in any

8 way whether or not Mr. Foster's office had been

9 entered by anyone prior to the securing of that

10 office on the morning of the 21st by the

11 Secret Service?

12 A Would you repeat that for me.

13 Q Sure. I'm sorry, it's a burdensome

14 question. Did you ever learn, however you may have

15 learned it -- I'll ask you the source if you tell me

16 that you did learn it -- whether or not Mr. Foster's

17 office had been entered prior to approximately 10:20

18 in the morning of the 21st when the Secret Service

19 guard was posted?

20 A Yes, I've learned since that time that

21 there were people in there.

22 Q Could you tell me, please and really two

1 questions -- you can answer them both at the same
2 time -- what you learned and how you learned it?

3 A I think just in general, the best that I
4 can remember, I learned from Mr. Flynn later that it
5 was his understanding there had been a number of
6 people in and out, and I believe Chief Langston may
7 have mentioned it to me on the telephone sometime
8 later.

9 Q Did Mr. Flynn identify any of the people
10 who had been in or out?

11 A Not to my knowledge.

12 Q And to the best of your recollection, did
13 Mr. Flynn say how he knew whether anyone had been in
14 or out of Mr. Foster's office?

15 A He didn't say. He didn't tell me how he
16 knew.

17 Q Is your best recollection that it was a
18 very casual comment, I've heard a few people have
19 been in and out?

20 A That's the way I accepted it and took it.

21 Q And what about your conversation with
22 Mr. Langston, did he identify any names of any people

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1 who may have been in Mr. Foster's office?

2 A Not that I recall.

3 Q And again, was your conversation with
4 Mr. Langston very casual, I've heard there may be
5 people in and out, something to that effect?

6 A No, I didn't say that to him. He mentioned
7 to me there had been a number of people in and out
8 prior to us putting the security on, and that's it.

9 Q Did Mr. Langston tell you how he knew that?

10 A To the best of my recollection, he was
11 saying based on the information that they had found
12 so far with his officers that there were some people
13 in and out prior to it being secured and prior to the
14 investigative team going inside the office.

15 Q And you don't know any more about it than
16 that?

17 A No, I don't know anymore about it.

18 Q Up to and including today, have you learned
19 the names of any individuals who may have been in or
20 out of Mr. Foster's office that evening?

21 A I think over the time since then, I've
22 heard some names, but I couldn't even tell you what

1 they are now and would not know whether they had or
2 had not.

3 Q Let me ask you just generally whether
4 Mr. Nussbaum is one of the names that you may have
5 heard that was in Mr. Foster's office before it was
6 secured?

7 A I'm not sure. I just don't know.

8 Q What about Patsy Thomasson, have you heard
9 that name in connection with the people being in
10 Mr. Foster's office on or about the time of his
11 death?

12 A I don't recall.

13 Q The same question with respect to Maggie
14 Williams, I take it you don't recall whether you
15 heard she was in that office?

16 A I can't say for sure, but Maggie Williams
17 was brought up at one time or another that she was in
18 the office that night before.

19 Q And you don't remember today who brought
20 that up to you or the circumstances of that?

21 A I don't.

22 Q I take it, Mr. Magaw, you don't have any

1 personal knowledge or information about whether or
2 not any of these people were in Mr. Foster's office
3 on that evening. Anything you know about it is
4 something you've heard indirectly?

5 A That's correct.

6 Q Did any White House official ever tell you
7 that no one was in that office on that evening?

8 A No.

9 Q One of the Secret Service agents on duty
10 that morning, it's been publicly reported may have
11 observed a fellow by the name of Craig Livingstone
12 early in the morning of the 21st in the west wing,
13 and it's been reported that the agent may have seen
14 Mr. Livingstone removing boxes from the west wing
15 that morning. Have you heard that?

16 A This is the first I've heard that.

17 Q Not even in newspaper reports, have you
18 ever seen that?

19 A No, I don't recall even reading it in the
20 newspaper reports, no.

21 Q If, in fact, hypothetically a
22 Secret Service agent did observe someone removing

1 boxes from the west wing and that the agent was
2 himself suspicious about that under the circumstances
3 that then existed, is that something that you would
4 have expected to be reported up to you or in the
5 ordinary course would you not expect to hear that?

6 A I would not expect to hear that.

7 Q So it doesn't surprise you today that if
8 that happened, you didn't learn about it?

9 A Yes, that's correct.

10 Q Mr. Magaw, do you know who Craig
11 Livingstone is?

12 A I don't. I would not be able to identify
13 him if he walked in this room.

14 Q And you don't recall ever hearing his name
15 in connection with Vince Foster in any way before,
16 before I've raised here today?

17 A My counsel raised it to me.

18 Q Exclude from your answer your conversations
19 with counsel. Other than conversations you may have
20 had with counsel preparing to testify here today.

21 A All right, sir.

22 Q You had not heard Mr. Livingstone's name?

1 A No, I had not.

2 MR. JOHNSON: Mr. Magaw, I don't have any
3 further questions. Mr. Kravitz may have some
4 questions.

5 EXAMINATION

6 BY MR. KRAVITZ:

7 Q Again, Mr. Magaw, my name is Neil Kravitz
8 and I'm counsel for the Democratic members of the
9 Special Committee. I'm just going to ask a few
10 follow-up questions in some of the areas that
11 Mr. Johnson went into, and I apologize if I get
12 repetitive. I'll try to be repetitive as little as
13 possible.

14 I want to pick up actually on the subject
15 that Mr. Johnson was asking you about and
16 specifically the Craig Livingstone subject, and I
17 think you testified that the observations of
18 Mr. Livingstone carrying some boxes out of the best
19 wing on the morning of July 21, 1993 by a uniformed
20 division officer would not be something that you
21 would have expected to hear about. Have I accurately
22 said that?

1 A Yes, that's correct.

2 Q Why is that that's not something you would
3 hear about as director of the United States
4 Secret Service?

5 A The complex is secure. It's our
6 responsibility to secure the complex, but that's the
7 President and his staff's office and home, and we
8 have to make sure we treat it in that manner. And if
9 the President has said this person has the clearance
10 and does have the clearance with whatever background
11 is done by the Secret Service and others to clear the
12 person in, it's not our responsibility and not our --
13 certainly should not be in any way -- should we get
14 involved in what they take in and take out.

15 Obviously, if you saw them take something
16 that you know has been there for 15 years, a portrait
17 off the wall or something like that, then they would
18 step up and do something, but absent of that, that's
19 one of the main concerns. In fact, if you'll
20 remember, it was right at that particular time,
21 Secret Service was being criticized in Newsweek, Time
22 magazine and other places for stories getting out

1 about the President and staff people and things like
2 that. And so you undermine your credibility if you
3 get into those particular areas, plus there was no
4 reason to do it.

5 Q I believe you testified that on the night
6 of July 20, 1993 the Park Police or no member of the
7 Park Police force made a request that Mr. Foster's
8 office be secured; is that correct?

9 A Not that I'm aware of. I was not notified
10 of that that I recall at all.

11 Q What would the proper protocol be for a
12 member of the United States Park Police force if he
13 or she wanted to request that an office in the west
14 wing of the White House be secured?

15 A Well, there would be a dual contact there.
16 There would be a contact to the FBI because they have
17 the investigative jurisdiction and a contact to us.
18 We would then collaborate and obviously, then, talk
19 to the President's legal counsel and move forward
20 from there.

21 Q At what level would those contacts be made?

22 A Generally, they would be made by whatever

1 the working supervisors would be at the complex.

2 Q And would that type of a contact, a request
3 from United States Park Police to secure an office in
4 the west wing, such as the White House counsel's
5 office, is that the type of contact that you would
6 expect to be informed of?

7 A Immediately. I would be expected to be
8 informed of that immediately and before any action
9 was taken.

10 Q So in other words, no action in securing an
11 office in the west wing of the White House would be
12 taken without your approval as director of the
13 Secret Service?

14 A I wouldn't look on it very well if it did,
15 and I suspect that none of them would do that.

16 Q You've testified at some length about a
17 request that came from the White House counsel's
18 office on July 21, 1993 to secure Mr. Foster's
19 office; correct?

20 A Yes, sir.

21 Q Are you aware of any requests that came
22 from the Park Police at any time to have Mr. Foster's

1 office secured?

2 A I am not.

3 Q I want to ask you just a few follow-up
4 questions about the actual posting of the guards
5 outside Mr. Foster's office on July 21 and the
6 instructions that you gave to Mr. Flynn when he was
7 beginning to set up that guard post. I believe you
8 testified that you instructed Mr. Flynn to secure the
9 office, but that did not mean that entering into the
10 office had to be prohibited and that that also did
11 not mean that nothing could be removed from the
12 office; is that correct?

13 A That's correct.

14 Q And I think you described -- I think you
15 said at another point in your testimony that you
16 viewed Mr. Foster's office as a business place where
17 people had to go in and out. Is that what you said?

18 A Yes.

19 Q Now, is that the reason why you did not
20 instruct Mr. Flynn to prohibit entry into the office?

21 A I just don't believe that the
22 Secret Service ought to be telling the President and

1 his staff what offices they can go in and go out of.
2 Obviously, if you would have a crime scene, had a
3 crime occurred in that office, had something occurred
4 that we normally would have to close it down, but
5 this didn't lend to that, so all I wanted to make
6 sure was that whoever went in and out was recorded
7 and that we didn't interfere with the business flow
8 of the leader of the free world.

9 Q Based on what you had heard on the night of
10 July 20th in the telephone conversations you had and
11 also based on your conversation with Chief Langston
12 on the morning of the 21st of July, your
13 understanding, at least preliminarily, was that the
14 death was a suicide; correct?

15 A That's correct.

16 Q And as a result of that, at the time that
17 you gave Mr. Flynn his instructions on how to set up
18 the guard post, you department view Mr. Foster's
19 office as a crime scene?

20 A I didn't view it one way or another. I
21 viewed it as a functional office of the White House
22 and that we would try to screen who came from there

1 and what went in and went out, but we would not
2 interrupt with the business flow.

3 Q When you got the call from Linda Tripp on
4 the morning of July 21, 1993, did she relay to you
5 any instructions from Mr. Nussbaum specifically as to
6 whether people would be allowed into the office while
7 the guard was posted?

8 A I don't remember any conversation like
9 that. It was just please put security on the -- the
10 White House counsel has asked that you put security
11 on that office and do it immediately, and I told them
12 we would do it immediately, and we would work out the
13 details of what the guidelines should be within a
14 short time.

15 Q So during that initial conversation with
16 Linda Tripp on July 21, 1993, there also was no
17 specific instruction from the counsel's office to you
18 to prohibit the removal of any items from the office?

19 A Not that I recall.

20 Q Were there ever any follow-up discussions
21 between you personally and anyone in the White House
22 counsel's office that day as to the details of how

1 the guard post would operate?

2 A No.

3 Q To your knowledge, were there any further
4 discussions between Mr. Flynn or any other
5 Secret Service official involved in the guard post
6 and nip from the White House counsel's office?

7 A I think Mr. Flynn -- it was my impression
8 that Mr. Flynn -- it was my instructions that he
9 should interface with the legal counsel's office, and
10 so my assumption is that he did that.

11 Q Did Mr. Flynn ever discuss with you any
12 follow-up conversations that he had that day with the
13 counsel's office?

14 A As we talked those three or four times that
15 day, that day I talked to you, about the lock and
16 keeping a log, and those kind of things, I remember
17 telling him to keep the legal counsel's office
18 advised as to what we were doing.

19 MR. KRAVITZ: That's all I have. Thank you
20 very much, Mr. Magaw.

21 MR. JOHNSON: Thank you, Mr. Magaw, for
22 your patience. The attorneys in this room are

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1 strictly bound by confidentiality procedures as they
2 relate to this deposition and even the fact of this
3 deposition, and we'd be grateful if you wouldn't
4 discuss it with anyone.

5 THE WITNESS: That's fine. It won't be
6 done.

7 (Whereupon, at 11:01 a.m., the deposition
8 was concluded.)

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JOHN W. MAGAW

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CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

**DEPOSITION OF HENRY P. O'NEILL
IN RE: S. RES. 120**

FRIDAY, JUNE 23, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of HENRY P. O'NEILL, called for examination pursuant to notice of deposition, at 11:15 a.m. in Room 640-A of the Hart Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
ROBERT J. GIUFFRA, JR., Esq.
Majority Chief Counsel
RICHARD BEN-VENISTE, Esq.
Minority Special Counsel
NEAL E. KRAVITZ, Esq.
Minority Principal Deputy Special Counsel
LANCE COLE, Esq.
Minority Deputy Special Counsel
GLENN F. IVEY, Esq.
Minority Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

TIMOTHY M. FOLEY, Esq.
BILL CLANCY, Esq.
U.S. Secret Service
Office of Chief Counsel
1800 G Street, NW
Room 842
Washington, DC 20223
On behalf of the Deponent.

ALSO PRESENT: VINCENZO A. DELEO
SANDRA AISTARS-ANNUS

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PROCEEDINGS

Whereupon,

HENRY P. O'NEILL

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. JOHNSON:

Q Good morning, Mr. O'Neill. Thank you for coming. My name is Everett Johnson and I'm an attorney working for the Majority staff on the Senate Special Committee investigating Whitewater and other matters. We've met off the record, but I would like to take this opportunity to tell you officially who I am. And you've also met two of the attorneys present this morning, Mr. Kravitz and Mr. Cole, who are attorneys representing the Minority staff, Democratic staff on the same committee.

What brings us here this morning is Senate Resolution Number 120, which constitutes the Committee and authorizes the Committee to investigate certain matters related generally to Whitewater. In particular, we're here this morning looking into the

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events surrounding Vincent Foster's suicide, in particular, the investigation in the few days surrounding that suicide and the handling of the documents in or around Mr. Foster's office. So, generally speaking, my questions today will relate to that topic.

Let me ask you preliminarily whether you've ever had your deposition taken before? And I don't mean just in connection with this matter, but ever.

A No, not that I can remember.

Q Let me spend a couple of minutes on some pretty easy procedural points. Ms. Baker is our court reporter and she will make a transcription of all the questions that are asked and your answers to all of those questions. For her to do that, it is important that you do two things: One is allow the question to be completed before you answer because she can't transcribe simultaneous talking, and the other is that you answer the questions verbally and not with nonverbal forms of communication. For example, grunts or nods or things like that she can't record, so if you'll articulate your answers to the

1 questions, it's useful to her.

2 We'll try and make our questions as clear
3 as we can possibly make them. We're not here in any
4 way to trick or deceive or hide the ball, so if a
5 question is confusing to you in any way, feel free to
6 say so. I'll assume, if you haven't said that you're
7 confused by the question, that you understand the
8 question. If you need to talk with your attorneys on
9 any matter, feel free to do so at any time and if
10 you'd like to take a break at any time, say so and
11 we'll take a break.

12 Are those clear enough so far?

13 A Sure. Yes, sir.

14 Q Preliminarily, did you discuss your
15 deposition testimony here today with anyone prior to
16 coming here this morning?

17 A Yes.

18 Q With whom?

19 A My wife.

20 Q Anyone other than your wife?

21 A No.

22 Q You didn't meet with counsel for the

1 Secret Service?

2 A Well, I spoke to them on the telephone.

3 Q And other than your wife and conversations
4 you may have had with attorneys for the
5 Secret Service, did you discuss your deposition
6 testimony here with anyone else?

7 A No.

8 Q Did anyone suggest to you that you should
9 not say a particular thing or that you should be sure
10 and say a particular thing in connection with your
11 testimony?

12 A No.

13 Q Why don't you, if you don't mind, take 30
14 seconds and tell us about your working history with
15 the Secret Service.

16 A Well, I began working for the United States
17 Secret Service on January 10, 1977 and trained as a
18 police officer, was assigned to the White House and
19 began there approximately 18 years ago. The type of
20 work I do is basically physical security for the
21 grounds and all the buildings connected to the White
22 House complex and, of course, safeguarding the

1 environment for the President and his family and Vice
2 President and his family, guests, visitors and anyone
3 else who works there.

4 Q Go ahead. I didn't mean to interrupt.

5 A No. That's basically -- uniformed officers
6 are confined within the 18 acres and particularly
7 actually, today it's a little different. We've got a
8 little more room to walk around now, but that's the
9 long and short of it.

10 Q Mr. O'Neill, to whom do you report today?

11 A To whom do I report?

12 Q Who's your boss generally?

13 A Well, the boss, I would imagine, is the
14 watch commander. Her name is Captain Vivian Ashton.

15 Q And in July of 1993, which is the month of
16 Mr. Foster's death, to whom did you report, if you
17 recall?

18 A I think it was Captain Roland Beatty.

19 Q Do you have a permanent sort of -- strike
20 that.

21 What duty station are you assigned to
22 within the White House today?

1 A Today, I am working on the 22:30 hour shift
2 to 07:00 hour shift, Sunday night through Thursday
3 night.

4 Q That's 10:30 in the evening --

5 A 10:30 p.m. until 7:00 a.m. in the morning.

6 Q Mondays through Thursdays?

7 A Yes, and we have different duties, but I'm
8 assigned as a response officer -- it's unassigned.
9 Basically we call it unassigned, not assigned to any
10 particular post.

11 Q Let me ask you, if you can, to recall in
12 July of 1993 at or around the time of Mr. Foster's
13 death, can you tell us where you were assigned within
14 the White House at that time?

15 A At that time I was assigned to the west
16 wing and the nature of the duties were to escort the
17 GSA cleaning people into the alarmed secured rooms.

18 Q What hours were you working?

19 A Well, that particular shift I worked 6:30
20 p.m. until 07:00 or 7:00 a.m., so I worked 12 hours
21 that day.

22 Q When you say 12 hours that day --

1 A The evening before and the night throughout
2 the 13th or the 14th.

3 Q Let me go a little more slowly. Mr. Foster
4 died late in the afternoon on Tuesday, July 20th. Is
5 that your memory?

6 A I don't know.

7 Q I can represent that to you as a fact.

8 A Okay.

9 Q Accepting that date, what hours did you
10 work on that day, the day Mr. Foster died?

11 A 6:30 p.m. to 7:00 a.m.

12 Q And just to make the record clear, then,
13 you would have been on duty from 6:30 in the evening
14 on July 20th through 7:00 in the morning, July 21st;
15 is that correct?

16 A Right.

17 Q Is that almost 12-hour shift an unusually
18 long shift for you?

19 A Not really, no.

20 Q There wasn't anything extraordinary about
21 the length of the shift on that day?

22 A No. Just the fact that I came in four

10

1 hours earlier than I normally would for overtime
2 purposes.

3 Q Normally, you would have come in at 10:30
4 on that shift?

5 A Yes.

6 Q Did the reason that you came in early on
7 that day, to the best of your knowledge, have
8 anything at all to do with Mr. Foster's death?

9 A No, sir.

10 Q Just routine overtime?

11 A Yes.

12 Q During the course of your duties,
13 generally, and on the evening of July 20th and the
14 morning of July 21, 1993, do you leave the west wing,
15 or are your duties confined to the west wing of the
16 White House?

17 A I didn't hear you. Did you say that
18 evening, that night?

19 Q Let's focus first on that night, yes.

20 A Not just the west wing, no.

21 Q Where else would you have gone on that
22 evening?

1 A Well, east wing, the mansion and the Old
2 Executive Office Building.

3 Q And would that be part of your duties of
4 escorting the GSA cleaning crews?

5 A No.

6 Q Why, for example, would you have gone to
7 the west wing on the evening --

8 A The west wing?

9 Q I'm sorry, strike that. Why, for example,
10 would you have gone to the Old Executive Office
11 Building?

12 A We have offices that -- we have our control
13 center, our communications center. We also have a
14 break room. We have an assignments and scheduling
15 office. We have offices in the basement of the OEOb.

16 Q Do you specifically recall that on the
17 evening of the 20th of July, the day Mr. Foster died
18 or in the early morning hours of the 21st that you
19 were physically in the Old Executive Office Building?

20 A I don't recall.

21 Q You don't have any specific recollection of
22 that?

1 A No.

2 Q You just generally assume that you would
3 have been there because on most days you get over
4 there at some point; is that correct?

5 A Yes.

6 Q You described your duties as escorting GSA
7 cleaning people into the alarmed and secured rooms in
8 the west wing; is that correct?

9 A Yes, sir.

10 Q Can you just tell us how that works?

11 A Well, ever since I've been on the job,
12 they've had an escort officer take GSA people into a
13 room, or any people, contract people, that were
14 considered sensitive areas. They either have to be
15 escorted by uniformed officers or technical security.

16 Q And let me just ask you, not with respect
17 to any particular office, but just generally
18 speaking, do you yourself open the door to an office
19 that's alarmed or secured?

20 A Yes.

21 Q And what do you do?

22 A The first thing we do is we notify our

1 communications center by the radio as we're unlocking
2 the door, just proceeding and then unlocking the door
3 and going into the room.

4 Q And what's the purpose of that?

5 A Because an audio alarm sounds in the
6 communication center.

7 Q And your purpose is to tell them that the
8 reason the alarm is about to go off is you're going
9 in with the cleaning crew; is that right?

10 A Yes -- or exactly at that time it was.

11 Q And once in the office, do you then place
12 the alarm in the access position or, in lay terms,
13 sort of physically turn the alarm off?

14 A Yes.

15 Q And I take it when that alarm is physically
16 turned off, there isn't any record maintained of who
17 comes and goes in or out of the office while the
18 alarm is off?

19 MR. KRAVITZ: If he knows.

20 BY MR. JOHNSON:

21 Q Do you know?

22 A No, there wouldn't be any record of that.

1 Q Now, Mr. O'Neill, when you typically escort
2 the cleaning crews, how many members are on a
3 cleaning crew on average?

4 A Well, for the different floors, there's
5 usually two women.

6 Q Are they assigned to floors?

7 A Yes.

8 Q Just to be clear, two women would be
9 assigned to clean the second floor of the west wing;
10 is that correct?

11 A Yes, either one or two. One actually is
12 assigned. The other one is assigned to the
13 bathrooms, and they help -- sometimes they help each
14 other out.

15 Q And I'm assuming that you don't escort the
16 people in to clean the bathrooms, or do you?

17 A No.

18 Q You only escort them into alarmed offices;
19 is that correct?

20 A Right.

21 Q What time of day, generally, does the
22 cleaning crew begin to clean the second floor of the

1 west wing of the White House?

2 A About 10:00.

3 MR. KRAVITZ: Do you mean as of now or at
4 that time?

5 MR. JOHNSON: Thank you, Neal.

6 BY MR. JOHNSON:

7 Q At that time.

8 A What time of day?

9 Q Yes, sir.

10 A They have two shifts, as far as I know.

11 They have a day shift and an evening shift -- a night
12 shift. They have a shift that cleans during the
13 daytime, or picks up trash, at least.

14 Q What about the duty of physically going
15 into those offices and cleaning them? Is that a day
16 shift duty or a night shift duty?

17 A That's the night shift.

18 Q To the best of your knowledge, in July of
19 1993, what time did the night shift begin its duty?

20 A They usually start cleaning about 10:00,
21 between 9:30 and 10:00.

22 Q Do they start in the same place every

1 night, to the best of your knowledge?

2 A Yes, as far as I know, they do.

3 Q Where do they start?

4 A The whole place is being cleaned at that
5 time.

6 Q That was a bad question. Let me try it
7 again. With specific reference to the second floor
8 of the west wing of the White House, does the
9 cleaning crew start in the same office or the same
10 area every night?

11 A I think they do, yes.

12 Q Which office do they begin in?

13 A They start in open areas that are not
14 considered secure areas.

15 MR. FOLEY: Off the record.

16 (Discussion off the record.)

17 BY MR. JOHNSON:

18 Q And I take it, Mr. O'Neill, it's your
19 experience that they clean all of the open areas, as
20 you've described them, before they enter secured or
21 alarmed areas; is that correct?

22 A No, they don't clean them all because we

1 start at a certain time, so if they're cleaning up
2 area, they stop there and they come to the area where
3 we're going to open up for them so they can get that
4 done.

5 Q You start your escorting duties at a
6 particular time; is that correct?

7 A Yes.

8 Q What time is that?

9 A Well --

10 Q Generally.

11 A At that time I was assigned to the escort
12 duties. Now I'm not, but we generally start at -- I
13 don't know, about 11:00.

14 Q And your testimony is that whatever they're
15 cleaning when you arrive up there at 11:00, they then
16 stop cleaning that open area and go with you to one
17 of the alarmed areas; is that correct?

18 A Yes, sir.

19 Q Without identifying locations, in July of
20 1993, how many offices on the second floor of the
21 west wing of the White House were alarmed?

22 A Two.

1 Q And one of those was the White House
2 counsel's office, was it not?

3 A Yes.

4 Q As a matter of practice, when you were on
5 the escorting duty, did you begin your -- strike
6 that.

7 Did the cleaning begin in the White House
8 counsel's office or some other alarmed office on the
9 second floor of the west wing?

10 A It began in the White House counsel's
11 office.

12 Q All of this is an effort to establish time
13 frames, Mr. O'Neill. Let me see if I've got it
14 right. Sometime in the vicinity of 11:00 p.m. you
15 would go up to the second floor for purposes of
16 escorting the cleaning crew; is that correct?

17 A Yes.

18 Q And when you arrived, typically they would
19 stop what they were cleaning and begin to clean the
20 White House counsel's office; is that correct?

21 A Yes, sir.

22 Q After you accessed the White House

1 counsel's office, when you called down to the control
2 center or to the duty station, did you say who was
3 with you, or did you just say it's O'Neill,
4 everything is fine, or words to that effect?

5 A Yes, I just used my own name.

6 Q You wouldn't have said, for example, I'm
7 with cleaning woman X or Y or Z?

8 A No.

9 Q Typically speaking, in your experience, how
10 long did it take the cleaning crew to clean the White
11 House counsel's suite?

12 A I'd say that on any given night, it takes
13 approximately 30 to 45 minutes.

14 Q Does that vary depending, in part, on how
15 many people are on the cleaning crew?

16 A Yeah, I think it does make a difference if
17 there's two people as opposed to one and it depends
18 on how thoroughly they clean the room. Normally,
19 they have a routine that they perform on any given
20 night or every night. Sometimes it's different. I
21 mean, it generally -- that particular area takes
22 approximately, I would say, 30 to 45 minutes.

1 Q And I understand that can vary, depending
2 on all kinds of things.

3 A Right.

4 Q Do you remain physically in the presence of
5 the cleaning crew for the entire 35 to 40 minutes?

6 A Yes, sir.

7 Q You don't, for example, leave the room,
8 come back in 40 minutes or anything like that?

9 A No.

10 Q Is it part of your responsibility to keep
11 them in your eyesight for the entire time?

12 A Yes.

13 Q So is it fair to say that you move from
14 room to room with them in the White House counsel's
15 office?

16 A Yes.

17 Q Just to be clear in my own mind, you would
18 physically go with them into Mr. Nussbaum's office
19 when they cleaned that office?

20 A Yes.

21 Q You would physically go with them into
22 Mr. Foster's office when they cleaned that office at

1 that time?

2 A Well, I would go in and then I'd come out
3 and keep an eye from the doorway because you can't
4 really stand in the room all the time because you
5 stand in the way.

6 Q But you stand within eyesight of the
7 cleaning people. Is that a fair statement?

8 A Yes.

9 Q Who has responsibility, ordinarily, for
10 removing the trash in the White House counsel's
11 office?

12 A The trash?

13 Q Yes, sir.

14 A The GSA cleaning staff.

15 Q And, generally speaking, what do they do
16 with it?

17 A They pack it into bags, and they send it to
18 the OEOP.

19 Q I realize this seems trivial, but
20 hypothetically, if they lift a trash bag out of
21 Mr. Foster's wastebasket, do they seal that trash bag
22 off?

1 A Uh-huh.

2 Q Do they label it in any way?

3 A No.

4 Q Where do they physically place it? Is
5 there a big trash container?

6 A No. Big plastic bag, like a 55-gallon bag
7 or something. They put the smaller trash can liners
8 into larger bags, pack a bunch of them in there, and
9 it's hauled over by another man. There's another guy
10 who hauls the trash down, takes it over.

11 Q Someone else comes by and picks up the
12 trash from the cleaning crew and removes it?

13 A He's on the same crew.

14 Q Where does he take it physically, do you
15 know?

16 A Takes it to the large dumpsters over in the
17 north court of the Old Executive Office Building.

18 Q And how often, generally speaking, does he
19 do that in the course of an evening?

20 A I think he does it once.

21 Q Near the end of the cleaning shift?

22 A I'm sorry?

- 1 Q You nodded affirmatively.
2 A I'm sorry. Yes.
3 Q Let me also ask you about something called
4 burn bags. I take it the cleaning crew does not
5 remove burn bags; is that right?
6 A That's right.
7 Q Who does that?
8 A We do that. The uniformed officers.
9 Q That's part of your responsibility; is that
10 correct?
11 A Yes.
12 Q What do you physically do with them?
13 A The individual burn bags that are in the
14 offices, each evening are dumped into a large brown
15 bag and at the end of the time -- at the end of the
16 shift, basically when we're finished collecting all
17 the burn, we take it over to the basement of the Old
18 Executive Office Building and put it in a secured
19 room.
20 Q And is the burn bag itself placed in the
21 large brown bag or just the contents of the burn bag?
22 A Just the contents.
-

- 1 Q What happens to the burn bag itself that
2 was in the office?
3 A It stays in the room.
4 Q Is this procedure employed every evening?
5 A Yes, sir.
6 Q I take it you had, from time to time, been
7 in Mr. Foster's office before the evening of July 20,
8 1993?
9 A Yes, sir.
10 Q Was a burn bag physically in Mr. Foster's
11 office on those times you've been in there in the
12 past?
13 A Yes, there was.
14 Q Let me be just a little bit particular here
15 because I want to be clear. Your understanding is
16 that it was in his office and not just somewhere in
17 the suite?
18 A There was a burn bag in his office, yes.
19 Q Were there other burn bags in the White
20 House counsel's suite?
21 A Yes, there was.
22 Q Was there a separate burn bag in

1 Mr. Nussbaum's office?

2 A Yes.

3 Q Were there any others in the White House
4 counsel's suite, do you know?

5 A I know there are two, maybe three in the
6 secretary's suite.

7 Q Two or three additional?

8 A Yes, sir.

9 Q And just to --

10 MR. KRAVITZ: I'm not sure that's what he
11 said.

12 MR. JOHNSON: I'll clear it up.

13 BY MR. JOHNSON:

14 Q There's one in Mr. Foster's office; right?

15 A Yes.

16 Q There's one in Mr. Nussbaum's office?

17 A Yes.

18 Q In addition to those, how many other burn
19 bags?

20 A Two or three.

21 Q So we have a total of perhaps four or five
22 burn bags in the White House counsel's suite; is that

1 right?

2 A Yes, it is.

3 Q If a person wanted to retrieve trash that
4 had been removed from an office in the White House
5 counsel's suite or, in particular, Mr. Foster's
6 office, how could you do that?

7 A Would you repeat your question, please.

8 Q I just want to see what you'd do if you
9 wanted to get back a trash bag that had been removed
10 from Mr. Foster's office. Would that be possible?

11 A I would imagine it's possible.

12 Q How would you do it if you wanted to do it?

13 A If I wanted to do it?

14 Q Just hypothetically, say, you wanted to get
15 it back. What would you do?

16 A If it was taken to the dumpster, I probably
17 wouldn't even attempt to look for it.

18 Q Suppose it hadn't yet been in the
19 dumpster. I'm not trying to be mystical about this.
20 Would you have to open up the trash and look through
21 it to see whose it was?

22 A Okay, well -- the trash can liners are

1 clear, and if I knew it came from that office, if it
2 was right in front of the door or something, I assume
3 that would be the bag and I would open it. But if it
4 were put into the large -- the larger bag that they
5 dump the smaller ones into is brown, so it's not
6 see-through, it's not clear. And out of the west
7 wing, there's probably 30 bags taken out of there, so
8 it would be difficult to search through one without
9 looking through all 30 of them. That's my answer.

10 Q If they had been dumped into the big brown
11 bag, you would have to go through all of them in
12 order to find the particular one you were looking
13 for. Is that your best --

14 A That's my best analysis or comments.

15 MR. JOHNSON: Off the record.

16 (Discussion off the record.)

17 BY MR. JOHNSON:

18 Q Mr. O'Neill, I'm going to leave the
19 fascinating topic of trash and burn bag procedures
20 for a moment -- although I think as we carry on, we
21 may touch on that yet again, and I'm going to give
22 you a series of names. And my question to you about

1 these names is whether or not in July of 1993 you
2 would have recognized these individuals or known who
3 they were. It goes without saying, you would have
4 recognized the President or First Lady; is that
5 right?

6 A Yes, sir.

7 Q Would you have recognized Mr. Nussbaum?

8 A Yes, I would.

9 Q Would you have recognized Mr. Foster?

10 A Yes, I would.

11 Q Would you have recognized Mr. McLarty?

12 A Yes, I would.

13 Q Would you have recognized Mr. Burton?

14 A No, I wouldn't.

15 Q Mr. Stephanopoulos?

16 A Yes.

17 Q Mr. Gearan?

18 A Yes.

19 Q Ms. Myers, Dee Dee Myers?

20 A Yes.

21 Q Patsy Thomasson?

22 A At that date?

- 1 Q Yes, sir.
- 2 A I wouldn't have recognized her.
- 3 Q Maggie Williams?
- 4 A Yes, sir.
- 5 Q Betsy Pond?
- 6 A No, I would not have recognized her.
- 7 Q Ms. Pond was Mr. Nussbaum's secretary.
- 8 Would you have recognized Mr. Nussbaum's secretary,
- 9 whether or not you knew her name?
- 10 A If I would have seen her in the office. I
- 11 can't put a name to that face.
- 12 Q What about Ms. Gorham, who was Mr. Foster's
- 13 secretary?
- 14 A I can't say that I would have recognized
- 15 her.
- 16 Q A fellow by the name of Tom Castleton?
- 17 A No, sir.
- 18 Q Craig Livingstone?
- 19 A No, sir.
- 20 Q David Watkins?
- 21 A Yes, sir.
- 22 Q William Kennedy?

- 1 A No, sir.
- 2 Q Cliff Sloan?
- 3 A Yes.
- 4 Q You knew in July of '93 who Mr. Sloan was;
- 5 is that correct?
- 6 A No, I didn't.
- 7 Q I didn't mean to cause you doubt. I just
- 8 wanted to be clear on the record.
- 9 A I don't think I would have known Mr. Sloan
- 10 in July of '93 -- or '94 maybe, '93.
- 11 Q You know today who he is?
- 12 A Yes.
- 13 (Pause.)
- 14 Q Mr. O'Neill, just so the record is clear,
- 15 the questions that I'm asking you about your ability
- 16 to identify these people relates to the time period
- 17 in July of 1993. I'm not necessarily asking whether
- 18 today you would recognize those people, but whether
- 19 at or about the time of Mr. Foster's death you would
- 20 recognize these people. Understanding that, do you
- 21 want to change your answers with respect to any of
- 22 the individuals we've discussed?

1 A Well, there's one person that I did not
2 recognize on the evening of Mr. Foster's death that I
3 saw.

4 Q What's that person's name?

5 A Patsy Thomasson.

6 Q Just to be clear, at the time you saw her
7 you didn't know who she was?

8 A Yes.

9 Q And you have since, either at that time or
10 later, come to learn that was Patsy Thomasson?

11 A Yes.

12 Q And I promise you we'll come back and talk
13 about that in great detail. I just want to get the
14 list of names.

15 A Well, you said on or about that time.

16 Q I appreciate your clarification. Let me
17 give you a couple more names.

18 Steve Neuwirth?

19 A No.

20 Q Did I ask you about Craig Livingstone?

21 A Yes.

22 Q Thank you.

1 MR. KRAVITZ: The answer was no.

2 BY MR. JOHNSON:

3 Q And your answer is you would not have --

4 A Wouldn't have recognized him.

5 Q Roy Neel?

6 A Roy Neel, I would have recognized.

7 Q Let me focus your attention now,
8 Mr. O'Neill, on July 20th, which I'll represent to
9 you was the day that Mr. Foster died. Do you recall
10 when you learned of Mr. Foster's death, if you did,
11 on that day?

12 A Yes, I do.

13 Q Tell us how you learned about Mr. Foster's
14 death.

15 A I learned about it from Howard Pastor.

16 Q Who is Mr. Pastor?

17 A His title, as far as I know, is deputy
18 assistant to the President for legislative affairs --

19 Q Is he part of the White House staff?

20 A -- or perhaps maybe the chief of
21 legislative affairs.

22 Q He's part of the White House staff?

1 A Yes. Actually, he's not now, but he was
2 then.

3 Q He was in July of 1993?

4 A Yes.

5 MR. FOLEY: Let me clarify things for
6 Mr. O'Neill answering these. Unless you say
7 otherwise, your questions are all directed to the
8 time frame of July of 1993.

9 MR. JOHNSON: For purposes of the next
10 number of questions, unless I say otherwise, let's
11 assume we're talking about July of '93.

12 THE WITNESS: Okay.

13 BY MR. JOHNSON:

14 Q How did Mr. Pastor inform you of
15 Mr. Foster's death?

16 A I saw Mr. Pastor on the second floor, and
17 it was in the hallway outside of the counsel's
18 office, and we exchanged greetings. And for some
19 reason -- I'm not sure why I asked him -- if anything
20 were wrong. I just inquired. Something seems to be
21 wrong. I just asked him. I guess it was intuition,
22 but he said a terrible thing had happened, and then

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1 he told me that Mr. Foster died, committed suicide, I
2 think he said.

3 Q Do you recall anything else about that
4 conversation with Mr. Pastor?

5 A No, sir.

6 Q Roughly what time of afternoon or evening
7 was it when Mr. Pastor informed you that Mr. Foster
8 was dead?

9 A It was approximately 11:00 p.m.

10 Q Let me try and pin this down. How much
11 certainty do you have that it's 11:00 p.m.? Could it
12 have been earlier or later than 11:00 p.m.? Is that
13 a ballpark figure or pretty precise?

14 A Earlier than a half hour, earlier than an
15 hour?

16 Q Just generally speaking.

17 A It was within 10:50 to 11:00 or 10 after
18 11:00, within that time frame.

19 Q What makes you so certain?

20 A Because of the -- well, I have knowledge of
21 the fact that I was in the room between approximately
22 20 of 11:00 until 20 of 12:00.

1 Q And were you up there -- had you gone up to
2 the second floor --

3 A At least the room was unlocked and that's
4 when I opened it and secured it, and it was within 10
5 minutes or so, 15 maybe, that I saw him, talked to
6 him.

7 Q I'll go through this as carefully as I can,
8 but let me just open it in this way. Were you on the
9 second floor at that time as part of your ordinary
10 duties of escorting the cleaning crew?

11 A Yes, sir.

12 Q And is that what took you to the vicinity
13 of Mr. Foster's office or the White House counsel's
14 office that evening?

15 A Yes, sir.

16 Q And at the time you saw Mr. Pastor, was he
17 inside or outside the White House counsel's office?

18 A Outside.

19 Q Were you inside or outside the White House
20 counsel's office?

21 A Outside.

22 Q Was the White House counsel's office open

1 or closed?

2 A Open.

3 Q Who had opened it?

4 A I had.

5 Q So you had already been in there?

6 A Yes, sir.

7 Q And at the time you saw Mr. Pastor, was
8 there anyone else in the White House counsel's
9 office?

10 A At that time?

11 Q Let me strike that.

12 Mr. Pastor was not in the White House
13 counsel's office?

14 A No, sir.

15 Q And you were not in the White House
16 counsel's office?

17 A No, sir.

18 Q So at the time you saw Mr. Pastor, was
19 there anyone in the White House counsel's office?

20 A Yes.

21 Q Who was in there?

22 A Mr. Nussbaum.

1 Q Anyone else?
2 A Yes.
3 Q Who else was there?
4 A I don't know who it was. Someone was in
5 there with him, but I'm not sure who it was. At that
6 moment, I didn't know who it was.
7 Q Have you since learned?
8 A Yes.
9 Q Who was it?
10 A Maggie Williams, Patsy Thomasson and Evelyn
11 Lieberman, as far as I know.
12 Q Evelyn Lieberman?
13 A Yes.
14 Q At that time, did you have any
15 understanding of who Evelyn Lieberman was?
16 A No.
17 Q Today do you have any understanding of who
18 she is?
19 A More so today than I did then.
20 Q What's your understanding today?
21 A She's a secretary or assistant to the First
22 Lady.

1 Q Am I clear now that at the time you saw
2 Mr. Pastor, which you place at roughly 11:00 p.m.,
3 plus or minus 10 minutes --
4 A Yes, sir.
5 Q -- Mr. Nussbaum, Maggie Williams, Patsy
6 Thomasson and Evelyn Lieberman were in the White
7 House counsel's office; is that correct?
8 A As far as I know, yes.
9 Q Why do you say as far as you know?
10 A Well, I wasn't -- I didn't physically see
11 them enter the room. I saw Mr. Nussbaum enter the
12 room, and I saw -- I heard someone else go in to his
13 office with him, but I didn't see them because I
14 wasn't looking over my right shoulder into the door.
15 So basically, I was looking in the direction that I'm
16 looking now, and his office was off to my right
17 behind me a little bit and I just glanced when I
18 heard -- I just glanced because I saw someone move
19 and I saw it was Nussbaum. And I didn't look again,
20 but I realized other people went in there also, and I
21 heard the voices and it was women's voices.
22 So then I left the suite with the cleaning

1 people and I was out in the hallway -- and that's
2 when I encountered Pastor -- and I didn't see Patsy
3 Thomasson -- I didn't see her go in there and I
4 didn't see the other two women that I mentioned go in
5 there. I saw them come out, and I saw Patsy
6 Thomasson in there later, but I did see the other two
7 come out.

8 Q And let me try and be as clear as I can on
9 the record, and we'll go through the ins and outs,
10 but you physically saw Mr. Nussbaum in the White
11 House counsel's suite that evening?

12 A Yes.

13 Q And you physically saw -- I realize we
14 haven't talked about at precisely what time, but you
15 saw Ms. Williams, you can swear she was in there that
16 evening?

17 A Yes, sir.

18 Q And Patsy Thomasson was there that evening?

19 A Uh-huh.

20 Q You saw her with your eyes?

21 A Yes.

22 Q Evelyn Lieberman was in there, you

1 physically saw her with your eyes at some point?

2 A Right.

3 Q And at any point in time that evening, to
4 the best of your knowledge, excluding the cleaning
5 crew, was anyone else in the White House counsel's
6 office?

7 A Would you mind repeating your question,
8 please?

9 Q Sure. To the best of your knowledge, on
10 the evening of July 20th or early morning of July
11 21st, if you have knowledge, other than the people
12 we've just identified, Mr. Nussbaum, Ms. Williams,
13 Ms. Thomasson, Ms. Lieberman and excluding from your
14 answer the cleaning crew, was anyone in the White
15 House counsel's office?

16 A No, sir, not that I aware of.

17 Q You didn't at that time observe any other
18 person in there?

19 A No.

20 Q Let me come back, if I could, to your
21 conversation with Mr. Pastor. Was Mr. Pastor alone?

22 A When I was speaking with him?

- 1 Q Yes, sir.
2 A Yes.
3 Q And he was not in the White House counsel's
4 office; is that correct?
5 A No, sir, not while I was speaking with him.
6 Q To the best of your knowledge, did he ever
7 go in the White House counsel's office that evening?
8 A Not that I know of.
9 Q You never personally saw him go in?
10 A No, I didn't.
11 Q Did you see Mr. Pastor with anyone else
12 that evening?
13 A No, sir.
14 Q As you sit here today, thinking now of the
15 evening of July 20th or the early morning hours of
16 July 21st, did you see any other individual on the
17 second floor of the west wing or in the vicinity of
18 Mr. Foster's office at all?
19 A No, not that I recall, no, I don't remember
20 anyone.
21 Q You don't have any recollection of anyone
22 else?

- 1 A No, sir.
2 Q Let me just give you a couple of names.
3 Did you see Mr. Kennedy that evening at all?
4 A No, I didn't see Mr. Kennedy. I wouldn't
5 know if I recognized him, only from a photograph.
6 Q But to the best of your knowledge, you
7 didn't see him?
8 A No, sir.
9 Q Did you see Mr. Watkins that evening at the
10 White House?
11 A No, I don't remember seeing Mr. Watkins.
12 Q Did you see Mr. Sloan that evening?
13 A Can't say that I did. Can't say that I
14 remember.
15 Q And I realize this seems extraordinarily
16 redundant, but your best recollection is you didn't
17 see anyone else on the second floor of the west wing
18 of the White House that evening other than the people
19 we've identified?
20 A Yes, sir, that's correct.
21 Q Let me come back, then, if I could, and
22 show you a document that we've been using in these

1 depositions, which has been identified to us as an
2 alarm log for the White House counsel's suite for the
3 evening of July 20, 1993 and for all day on the 21st
4 and all day on the 22nd through 26th of 1993, and
5 it's bearing document production number 000598.

6 My first question, Mr. O'Neill, is whether
7 or not you've seen this alarm log before?

8 A I think I've seen a copy of this, not on
9 this type of paper.

10 Q Let me show you another document, which
11 we've previously identified in depositions as another
12 form of an alarm log -- it is bearing document number
13 6256, and it appears to cover the same offices for
14 the same days -- and ask you whether you've ever seen
15 that one before.

16 A I don't know which one I've seen. I don't
17 remember if I saw my name on there or not. I think I
18 did.

19 Q For point of reference, then, let us use
20 exhibit number 000598, which is the one that has your
21 name on it. And I want to ask you, to the best of
22 your recollection, everything that happened in

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1 connection with Mr. Foster's office on the evening of
2 July 20, 1993. Can you tell from your memory or by
3 reference to that document what time you went into
4 the White House counsel's office?

5 A 23:41 -- I'm sorry, 22:42.

6 Q You're referring to the alarm log which is
7 labeled 598?

8 A That's correct.

9 Q That indicates to you that you opened the
10 White House counsel's suite at 10:42 on that evening?

11 A Yes, it is.

12 Q Does that generally comport with your
13 recollection as well?

14 A Yes, it does.

15 Q And when you went up to the White House
16 counsel's suite that evening, I think we've already
17 established that was for the purpose of escorting the
18 cleaning crew in there; is that correct?

19 A Yes.

20 Q And when you got there, was the door
21 closed?

22 A Yes.

- 1 Q And you yourself opened it?
- 2 A Yes.
- 3 Q When you opened it, was there anyone in
- 4 there?
- 5 A No, sir.
- 6 Q Did you notice, when you opened it, whether
- 7 the door to Mr. Foster's office was open or closed?
- 8 A I can't recall.
- 9 Q I take it, then, that you and the cleaning
- 10 crew physically went into the suite; is that right?
- 11 A Yes, sir.
- 12 Q How many members were on the cleaning crew
- 13 that evening, do you recall?
- 14 A Yes, sir, two women.
- 15 Q Do you remember their names by any chance?
- 16 A Yes.
- 17 Q What are their names?
- 18 A Terry Cobey, T-e-r-r-y, C-o-b-e-y, and
- 19 Diane Walters, D-i-a-n-e, W-a-l-t-e-r-s.
- 20 Q Ms. Cobey and Ms. Walters are employees of
- 21 the General Services Administration?
- 22 A Yes, they are.

- 1 Q Are they part of the ordinary cleaning crew
- 2 that frequently clean the west wing of the White
- 3 House?
- 4 A Yes.
- 5 Q And you know their names because you see
- 6 them all the time in the White House; is that right?
- 7 A Yes.
- 8 Q What is the next thing, Mr. O'Neill, that
- 9 you remember happening on the evening of July 20th in
- 10 the White House counsel's suite?
- 11 A Well, you're asking me when I opened the
- 12 room and went in with the two cleaning women? That's
- 13 what you're asking me?
- 14 Q Yes, sir.
- 15 A And I went to the alarm panel or the alarm
- 16 switch and I flipped the switch to the access
- 17 position and, having put the lights in the room on --
- 18 the lights were off in the suite -- I went into
- 19 Mr. Foster's office first.
- 20 Q Why did you do that?
- 21 A Because that's where the alarm switch is.
- 22 Q Do you recall whether you had to open the

1 door to get in or whether the door was already open?

2 A No, I don't recall whether it was open or
3 not.

4 Q Do you recall whether or not the lights
5 were on or off in there.

6 A I do know that the lights were off.

7 Q The lights were off?

8 A Yes.

9 Q And I take it you put the switch in the
10 access or off position in Mr. Foster's office?

11 A Yes.

12 Q What's the next thing you remember?

13 A I think I walked into Mr. Nussbaum's
14 office.

15 Q When you walked into Mr. Nussbaum's office
16 from Mr. Foster's office, did you leave the door to
17 Mr. Foster's office open?

18 A Yes.

19 Q Why did you go into Mr. Nussbaum's office?

20 A To put the lights on and also check the
21 burn bag.

22 Q I should have asked you whether or not you

1 checked the burn bag in Mr. Foster's office when you
2 were in there?

3 A No, I didn't.

4 Q Did you check the burn bag in Mr. Foster's
5 office at any time that evening?

6 A No, I didn't.

7 Q So as you sit here today, you don't know
8 whether or not there were any materials in
9 Mr. Foster's burn bag that evening?

10 A Yes, I don't know.

11 Q I take it, Mr. O'Neill -- don't take my
12 assumption if it's wrong -- but I take it that the
13 cleaning process proceeded in a routine manner for
14 some period of time; is that correct?

15 A It was within minutes, a couple of minutes
16 that they came in, I saw Mr. Nussbaum.

17 Q Shortly after opening the office, you saw
18 Mr. Nussbaum; is that right?

19 A Yes.

20 Q In that brief period of time, had the
21 cleaning crew entered Mr. Foster's office, to the
22 best of your recollection?

1 A To the best of my recollection, I don't
2 think they did.

3 Q To the best of your knowledge, on that
4 evening, did they ever go into Mr. Foster's office?

5 A To the best of my recollection, I don't
6 believe they did.

7 Q So your testimony would be, to the best of
8 your recollection, that they did not remove any trash
9 from Mr. Foster's office on that evening?

10 A To the best of my recollection. I don't
11 remember seeing them remove any trash from his
12 office.

13 Q Have you ever discussed with members of the
14 cleaning crew or anyone else whether or not they
15 removed any trash from Mr. Foster's office on that
16 evening?

17 A No.

18 Q But your personal recollection is that they
19 did not?

20 A My personal recollection is that I don't
21 remember if they did or not. I don't remember, and I
22 don't think they did.

1 Q You didn't see them remove any trash?

2 A No, I didn't.

3 Q And just to follow up a little bit, in the
4 brief period of time in which you and the cleaning
5 crew were in the White House counsel's suite before
6 any other individuals entered, your testimony is that
7 the cleaning crew, to the best of your recollection,
8 did not begin to clean Mr. Foster's office?

9 A That's correct.

10 Q Ordinarily, when you enter that suite, does
11 the cleaning crew begin in the same place every
12 night?

13 A Yes, sir.

14 Q Where do they begin?

15 A They begin in the larger office, the
16 secretary's suite.

17 Q In the reception area?

18 A The reception area.

19 Q And, to the best of your recollection, when
20 Mr. Nussbaum or anyone else first entered that
21 office, where was the cleaning crew cleaning?

22 A They were in the reception area.

1 Q Are you pretty clear on that?

2 A I'm very clear on that.

3 Q No doubt in your mind on that?

4 A No doubt in my mind.

5 Q What's the next thing that you remember

6 happening, Mr. O'Neill, that evening in the White

7 House counsel's office?

8 A Once I realized that Mr. Nussbaum had

9 entered his office --

10 Q Wait a minute. Hold on. I want to go back

11 to the point where someone came in. Let me try and

12 phrase it in a way that's helpful to you.

13 A See, I've already done this about 10 times,

14 I swear.

15 Q I understand. Did there come a time when

16 someone, not yourself or a member of the cleaning

17 crew, came into the White House counsel's suite that

18 evening?

19 A Yes.

20 Q Tell us about that.

21 A This is tough because I've done this so

22 many times. It's really tedious.

1 Q Repetitive, isn't it?

2 A Very repetitive, since it's been two years

3 now.

4 Q Do the best you can and we'll help clarify

5 where it's fuzzy.

6 A I want to take a break.

7 MR. JOHNSON: Sure. Can we take a

8 10-minute break.

9 (Recess.)

10 BY MR. JOHNSON:

11 Q Let me just follow up on something I should

12 have asked you before. Mr. O'Neill, have you, since

13 the evening of July 20, 1993, learned in any way that

14 trash was placed back in Mr. Foster's office sometime

15 on the 21st of July 1993? Have you ever heard that

16 before?

17 A No, sir.

18 Q And as I sit here today saying that to you,

19 that's the first time you've ever heard that?

20 A That's the first time I've ever heard it.

21 Q Just to tie up my earlier questions, it's

22 your belief that the cleaning crew did not remove

1 trash from Mr. Foster's office that evening; is that
2 correct?

3 MR. KRAVITZ: I object. I think that
4 mischaracterizes the testimony.

5 MR. JOHNSON: He can say that.

6 THE WITNESS: I said that I don't
7 remember -- I don't remember. I think they didn't.
8 That's what I said.

9 BY MR. JOHNSON:

10 Q You're very clear in your mind at the time
11 Mr. Nussbaum entered they were cleaning the reception
12 area; is that correct?

13 A Yes.

14 Q And your belief is that they had not begun
15 to clean Mr. Foster's office; is that correct?

16 A Yes, sir.

17 Q And you also believe that at no time later
18 in that evening did the cleaning crew ever clean
19 Mr. Foster's office; is that correct?

20 A Yes.

21 Q Let me come back to the point in time when
22 someone else came into the office while you and the

1 cleaning crew were in there. Who first came into the
2 office that evening?

3 A As far as I remember, Mr. Nussbaum came
4 into the office.

5 Q And can you place in time roughly when that
6 was? You may have testified earlier that it was a
7 few minutes after --

8 A That's exactly what I think. It was a few
9 minutes after we had opened. The lights I had put
10 on, the cleaning people were taking the trash out of
11 the cans in the secretary or reception area and I
12 noticed a man -- I noticed someone coming into the
13 office just by the fact that I looked over my
14 shoulder and I recognized him as Mr. Nussbaum.

15 Q And we've established that you opened the
16 office at approximately 10:42 on the evening of the
17 20th; is that correct?

18 A Yes.

19 Q And is it clear in your mind that it was
20 before 11:00, for example, that Mr. Nussbaum came in?

21 A Oh, yes.

22 Q Well before 11:00?

1 A It was -- well, I'd say 10 minutes before.

2 Q Was Mr. Nussbaum alone when you observed
3 him?

4 A No, he wasn't alone.

5 Q How many people were with Mr. Nussbaum?

6 A I'm not sure how many people were with
7 him. There was more than one.

8 Q Were they men or women?

9 A I don't know if they were men or women.

10 Q What you recall seeing is Mr. Nussbaum and
11 more than one other person; is that correct?

12 A Let me back up. I think I saw a woman and
13 I heard women's voices going on simultaneously behind
14 him. I did not look. I looked away after I saw
15 him. So therefore, I did not see the individuals
16 that went in behind him.

17 Q But you remember hearing a woman's voice or
18 women's voices?

19 A Right.

20 Q Did Mr. Nussbaum say anything to you as he
21 entered the office?

22 A No.

1 Q Did anyone say anything to you as
2 Mr. Nussbaum and whoever was accompanying him entered
3 the office?

4 A No.

5 Q Where did they go?

6 A They went into his office.

7 Q Did they close the door?

8 A I don't recall. They did not close the
9 door completely, not shut.

10 Q How do you know that?

11 A Because I could hear their voices.

12 Q At this point in time, you still had not
13 looked in to see who was with Mr. Nussbaum or hadn't
14 had an opportunity to observe who was with
15 Mr. Nussbaum; is that right?

16 A Yes.

17 Q Could you understand what they were saying?

18 A No.

19 Q You heard voices, but you couldn't -- you
20 don't have any recollection today of what was said?

21 A No.

22 Q Were they upset?

- 1 A I can't say whether or not they were. I
2 don't know.
- 3 Q You don't remember thinking at that time,
4 gosh, something must be wrong or anything of that
5 kind?
- 6 A No, I don't think so.
- 7 Q Was it unusual in your experience to see
8 Mr. Nussbaum at the White House between 10:40 and
9 11:00 in the evening?
- 10 A It wasn't unusual, but it was out of the
11 ordinary.
- 12 Q There had been prior occasions when you had
13 seen him there that late, I take it?
- 14 A Yes.
- 15 Q What happened next in the White House
16 counsel's office that evening after Mr. Nussbaum and
17 whoever was accompanying him went into Mr. Nussbaum's
18 office?
- 19 A I directed the cleaning women that we will
20 retreat from the room, we will go out of the room.
- 21 Q You physically left?
- 22 A Yes.

- 1 Q How long did it take the cleaning women to
2 assemble their things and physically get out of the
3 room?
- 4 A A minute or so.
- 5 Q Where did you go?
- 6 A I think we stood in the hallway for a
7 minute. Then I walked down -- I mean, there's two
8 hallways. There's one right directly outside the
9 counsel's office. If you were to go to your right,
10 there's a hallway and if you went straight, there's a
11 hallway. I mean, I can't remember exactly when I
12 went into the hallway directly outside the counsel's
13 office. It was within a minute or two. I walked
14 down to the end of the hallway and I just walked
15 back, and this is when Mr. Pastor was there.
- 16 Q What was your purpose -- did you have a
17 purpose in walking down the hallway?
- 18 A I can't recall.
- 19 Q And when you say you walked down to the end
20 of the hall, you mean away from the White House
21 counsel's office; is that correct?
- 22 A Yes. It was probably to go look for other

1 burn material.

2 Q Where did the two members of the cleaning
3 crew that you described go?

4 A I'm not sure.

5 Q Did they stand outside the White House
6 counsel's office, or did they carry on with other
7 cleaning duties somewhere?

8 A I can't recall.

9 Q And when you walked back down the hall,
10 back toward the White House counsel's office, that's
11 when you saw Mr. Pastor; is that correct?

12 A Yes.

13 Q And I think you testified before that
14 Mr. Pastor was alone?

15 A Right.

16 Q In your mind's eye, when you see
17 Mr. Pastor, can you tell whether or not the members
18 of the cleaning crew were still standing there?

19 A No, I can't recall.

20 Q And we've talked about your conversation
21 with Mr. Pastor. This is when you first learned that
22 Mr. Foster had been found dead; is that correct?

1 A Yes, sir.

2 Q And do you remember any more about your
3 conversation with Mr. Pastor at that time?

4 A No, sir.

5 Q Mr. Pastor, I take it, did not go into the
6 White House counsel's suite; is that correct?

7 A Not while I was standing there.

8 Q To your knowledge, at any time -- do you
9 have any knowledge that he went in there at any time?

10 A I don't have any knowledge if he went in
11 there or not.

12 Q You didn't see him go in there?

13 A No, sir.

14 Q What, Mr. O'Neill, was the next thing that
15 happened that you observed that evening? Did you
16 physically stay there?

17 A No, I walked to the elevator, and I think
18 this is when a woman came -- was standing at the
19 door.

20 Q At the door to --

21 A To the chief counsel's office, and she
22 spoke with me.

- 1 Q Do you know who that woman was?
2 A At that time I did not know who it was.
3 Q Do you know today who that was?
4 A I believe, to the best of my knowledge,
5 that it was Evelyn Lieberman.
6 Q What did the woman say to you?
7 A She just spoke to me.
8 Q Acknowledged you?
9 A Yes.
10 Q Hi, how are you?
11 A Something to that effect, yes. And I think
12 we went down on the elevator together to the ground
13 floor. She had inquired about locking the room up,
14 and I said that I would do it. And then when we got
15 to the ground floor, she again inquired about the
16 room being locked up to the officer that was on post
17 there, which is the basement post.
18 Q What room did you understand this woman,
19 who you think was Ms. Lieberman, to be referring to?
20 A To the counsel's office.
21 Q Not Mr. Foster's personal office, but the
22 counsel's suite?
-

- 1 A I thought she meant the counsel's suite.
2 Q Did she state to you at any time why she or
3 anyone else was in the counsel's suite that evening?
4 A Not that I recall.
5 Q At this time you knew that Mr. Foster was
6 dead; is that correct?
7 A Yes.
8 Q Did you say anything about that or remark
9 on that to her?
10 A I can't recall.
11 Q So at this point in time, you took the
12 elevator down to what level of the White House?
13 A The ground floor, from the second floor to
14 the ground floor.
15 Q Is that the same as the basement?
16 A Yes.
17 Q Two floors down?
18 A Yes.
19 Q And your recollection is that this woman,
20 who you think was Ms. Lieberman, asked you whether or
21 not you would be able to close the door? What were
22 her words as precisely as you can recall?

- 1 A That's all I remember.
- 2 Q Can you lock it up, something to that
- 3 effect?
- 4 A Yes.
- 5 Q Did she put a time frame on that? Did she
- 6 say when she wanted you to lock it up?
- 7 A Don't recall. She just asked me to lock it
- 8 up, and I said I would take care of it.
- 9 Q And then what happened next, Mr. O'Neill?
- 10 A With me?
- 11 Q Yes.
- 12 A I just spoke to the officer there at the
- 13 post and I made a phone call to my watch commander's
- 14 office notifying him of the fact -- the information
- 15 that I obtained about Mr. Foster's death because I
- 16 didn't attend the evening's roll call because I had
- 17 worked early, and I wasn't aware that the information
- 18 was given out at roll call.
- 19 Q So when you called them, they already knew
- 20 it?
- 21 A I think yes, they knew it.
- 22 Q And you mentioned that Ms. Lieberman made a

- 1 similar inquiry of the desk officer. Do you mean the
- 2 officer sitting in the basement guard post?
- 3 A Yes.
- 4 Q What did Ms. Lieberman do after she made
- 5 that inquiry?
- 6 A I don't remember. She went on the
- 7 elevator, as far as I remember. I can't remember
- 8 what she did.
- 9 Q When you say she went on the elevator, she
- 10 went on the same elevator that you had just gotten
- 11 off?
- 12 A Yes.
- 13 Q And you didn't have any further
- 14 conversations with her?
- 15 A Not at that time.
- 16 Q After you called the watch commander and
- 17 informed him what you had learned about Mr. Foster's
- 18 death, what did you do?
- 19 A Well, I just briefly spoke with the
- 20 officer, and then I went to the first floor and spoke
- 21 with the officer outside the post of the Oval Office
- 22 and notified him of the information.

1 Q What information did you notify him of?

2 A I notified him of Mr. Foster -- of his
3 death.

4 Q Did you speak with either of the two
5 officers you just described about the fact that
6 Mr. Nussbaum and others were in the White House
7 counsel's suite?

8 A No, I can't recall.

9 Q All right. What's the next thing that you
10 do recall?

11 A Well, I spoke with him briefly. I do
12 remember -- it was unusual because there was -- the
13 chief of staff's office was open. There were people
14 working in the -- there were people on the -- more
15 than normal. There were people on the first floor.

16 Q And when you say the chief of staff, you're
17 referring, then, to Mr. McLarty, the White House
18 chief of staff?

19 A Yes.

20 Q How did you know that his office was open?

21 A I saw the door was open from the hallway.

22 Q Did you actually see Mr. McLarty?

1 A No, I didn't.

2 Q Did you actually see anyone in there who
3 you recognized?

4 A No, I didn't.

5 Q You just knew that the door was open?

6 A Yes, and I had heard voices in there.

7 Q Did you observe any other activity on the
8 first floor?

9 A There was some other activity, yes.

10 Q An unusual amount of activity for that late
11 in the evening?

12 A Yes.

13 Q Did you see anyone who you recognized there
14 that evening?

15 A No.

16 Q Do you know whether or not the
17 communications office was also open?

18 A Yes, it was.

19 Q How do you know that?

20 A Because there was a lot of people in
21 there. I didn't see anybody, but there was a lot of
22 people in there because the door was closed. I saw a

1 couple people going in and out of it.

2 Q But you didn't recognize who they were?

3 A No, I didn't recognize them.

4 Q Just to be clear, you didn't recognize

5 Mr. Gearan or Ms. Myers as being present that

6 evening?

7 A No.

8 Q You were telling me that you notified the

9 guard outside the Oval Office of the fact of

10 Mr. Foster's death. Then what happened?

11 A Well, I'm not exactly sure how much time

12 had lapsed, but some time had lapsed, and I went back

13 to the second floor, and I entered the counsel's

14 office, the suite of offices.

15 Q And what did you see?

16 A I walked into -- I was walking into

17 Mr. Foster's office to see if anybody was in there,

18 and I didn't see anybody in Nussbaum's office at that

19 point -- actually, I just walked into the suite and,

20 as far as I remember, I walked right to the

21 doorway -- see, these rooms connect -- and I saw a

22 woman. I looked into the office --

1 Q Whose office?

2 A Mr. Foster's office, and I glanced and

3 immediately I saw a woman sitting at the desk.

4 Q Sitting at Mr. Foster's desk?

5 A Right.

6 Q Did you recognize that woman?

7 A No.

8 Q Do you know today who that woman was?

9 A Yes.

10 Q Who was it?

11 A Patsy Thomasson.

12 Q How do you know that today?

13 A I know it because I've seen her many times

14 since then, and I saw her photograph -- many

15 photographs of the White House staff.

16 Q So it's not that you learned in news

17 reports or anything of that kind, but you recognize

18 her as the woman you saw behind Mr. Foster's desk?

19 A Yes, sir.

20 Q You were telling me what you saw.

21 A I immediately backed up. My first thoughts

22 were that was his wife since I didn't know who she

1 was.

2 Q Mr. Foster's wife?

3 A Yes. I didn't speak to her, and I don't
4 even think she saw me. I just backed out of the room
5 and I went outside again.

6 Q Did you see anyone else in the White House
7 counsel's suite?

8 A No, don't remember.

9 Q Is it your recollection that there was no
10 one in Mr. Nussbaum's office, or don't you remember?

11 A No, that's not my recollection.

12 Q You don't know if there was anyone in
13 there?

14 A That's right.

15 Q Did you see anyone in the reception area?

16 A No.

17 Q When you saw who you now know to be
18 Ms. Thomasson sitting behind Mr. Foster's desk, could
19 you tell what she was doing?

20 A No, I couldn't exactly tell you what she
21 was doing. She was looking down at the desk as if
22 she was looking at something on the desk.

70

1 Q Could you tell whether or not there were
2 any papers on the desk?

3 A I cannot tell you for sure whether there
4 were papers on that desk. This was a very quick
5 glance and then I backed out.

6 Q The lights were on in Mr. Foster's office
7 at this time; is that correct?

8 A Yes.

9 Q In your quick glance -- I realize you're
10 telling us you didn't look for very long -- could you
11 tell if any desk drawers were open or any cabinet
12 doors were open or anything to that effect?

13 A No, I could not.

14 Q Are you certain that there was no one else
15 in the office except Ms. Thomasson?

16 MR. KRAVITZ: You mean in Mr. Foster's
17 office?

18 MR. JOHNSON: Thank you, in Mr. Foster's
19 office.

20 THE WITNESS: I'm more certain that there
21 wasn't anyone in the office than there was.

22 BY MR. JOHNSON:

1 Q I wasn't listening carefully enough.

2 A I just said I'm more certain that I didn't
3 see anyone than if there was someone in there.

4 Q You're sure you didn't see anyone else; is
5 that right?

6 A Yeah, pretty sure I didn't see anyone else.

7 Q But you didn't look hard enough so you
8 can't be completely certain that there was anyone
9 else in there; is that right?

10 A I can just say I don't remember seeing
11 anyone else in the office.

12 Q Do you know whether or not Ms. Thomasson
13 was crying when you looked in?

14 A Oh, man -- no, I can't say that I recall
15 that she was.

16 Q Did you hear her voice? Can you say
17 whether or not she was speaking on the phone?

18 A No.

19 Q So all you observed was Ms. Thomasson
20 sitting behind Mr. Foster's desk looking down at the
21 desk at something. Is that fair?

22 A Yes.

1 Q And observing that, you left the office; is
2 that right?

3 A Exactly.

4 Q Why?

5 A Because the staff was still there. I
6 didn't want to interfere.

7 Q Did you make any inquiry about whether or
8 not Ms. Thomasson was authorized access to
9 Mr. Foster, or was that not something that would be
10 your job to do?

11 A I did not.

12 Q What's the next thing, Mr. O'Neill, that
13 you remember?

14 A I can't remember the sequence immediately
15 following that. I went outside and I was out of the
16 suite -- I went downstairs again. That's right. I
17 went down to the ground floor.

18 Q Let me ask you something that I neglected
19 to ask you. How much time do you think passed
20 between when you first left the office when
21 Mr. Nussbaum entered and when you returned to the
22 office and saw Ms. Thomasson?

1 A I think it was probably a half hour.

2 Q And what sort of degree of confidence do
3 you have in that? Are you pretty sure it was in that
4 vicinity?

5 A Yeah.

6 Q You're sure, for example, it was more than
7 15 minutes?

8 A Yes.

9 Q I'm sorry I interrupted you. After
10 observing Ms. Thomasson and leaving the White House
11 counsel's suite, what did you next do? I think you
12 said you went down to the ground floor.

13 A Yes, I did.

14 Q What's the next thing that you recall
15 happening?

16 A I don't recall -- I'm having a hard time
17 recalling, first of all, right now. I saw the woman
18 that I noticed in the office -- in Mr. Foster's
19 office downstairs in the ground level now -- it
20 wasn't simultaneously right after that. You see,
21 you're asking me where I went right after I went
22 outside that office. I can't remember that.

1 Q "I don't recall" is an okay answer. Don't
2 feel pressured to recall things that you don't
3 recall. I think everyone understands this was a long
4 time ago, and we're pressing for precision only in
5 the hopes of refresh your recollection, not to
6 criticize your memory.

7 So what you're saying is at some point in
8 time, but not immediately, you saw Ms. Thomasson on
9 the ground floor; is that correct?

10 A Yes.

11 Q And you referred to the woman you saw in
12 Mr. Foster's office, you now know that's
13 Ms. Thomasson?

14 A Exactly.

15 Q Where did you see her?

16 A I saw her in David Watkins's office,
17 standing in the doorway of David Watkins's office.

18 Q Was Mr. Watkins in that office?

19 A I don't know. I didn't see him.

20 Q Was the office open?

21 A Yes.

22 Q Did you see anyone in there?

- 1 A No.
 2 Q Were the lights on?
 3 A See, I was looking from a distance. I
 4 wasn't looking into the office. She was standing in
 5 the doorway.
 6 Q Did she appear to be speaking to someone in
 7 the office?
 8 A No.
 9 Q All you saw was her standing there?
 10 A Yes.
 11 Q Was she carrying anything?
 12 A No, she wasn't.
 13 Q Not even a purse, to the best of your
 14 knowledge?
 15 A No.
 16 Q Had you, at any time on that evening, seen
 17 Mr. Watkins in the west wing?
 18 A No, I hadn't.
 19 Q Did you ever see Mr. Watkins at any time
 20 throughout the course of that evening?
 21 A No.
 22 Q So after you saw Ms. Thomasson standing in

- 1 the door to Mr. Watkins's office, what's the next
 2 thing that you recall?
 3 A I spoke to her. I had said that they're
 4 upstairs in the chief of staff's office.
 5 Q You said that they're upstairs in the chief
 6 of staff's office?
 7 A That's what I said because she was crying.
 8 I saw her. She was crying at that point.
 9 Q Ms. Thomasson was crying?
 10 A Yes.
 11 Q Who were you referring to when you said
 12 they're upstairs in the chief of staff's office?
 13 A No one in particular. I just realized that
 14 there were people in the office. There were other
 15 staff members --
 16 Q You were informing her that someone was in
 17 the chief of staff's office?
 18 A Right.
 19 Q You didn't know who; is that correct?
 20 A Right.
 21 Q Why did you tell her that?
 22 A Well, I noticed that she was physically --

1 I mean, emotionally upset and my first impression
2 when I saw the woman upstairs was that was his wife.
3 I didn't know who the person was.

4 Q Even at this time when you saw her standing
5 in the door to Mr. Watkins's office, your belief was
6 that it could have been Mr. Foster's wife?

7 A Well, for one second -- for a small amount
8 of time I thought it might have been, but I figured
9 she was a secretary. But she was still upset, and I
10 wanted to direct her to some comfort.

11 Q And I'm sure I asked you this before, but I
12 just want to be as clear as I possibly can be. Do
13 you know whether or not there was anyone in
14 Mr. Watkins's office where you saw her standing in
15 the door?

16 A No, I don't.

17 Q And are there any -- is Mr. Watkins's
18 office on the first floor of the west wing?

19 A On the ground floor.

20 Q It's in the basement floor. Does it have
21 an access alarm?

22 A Yes, it does.

1 Q And the door was open?

2 A Yes, it was.

3 Q Ordinarily, in the evening, if no one is
4 around, would that door be opened or closed?

5 A It would be closed.

6 Q What, if anything, did Ms. Thomasson say to
7 you when you said "they're in the chief of staff's
8 office"?

9 A She didn't say anything.

10 Q She didn't say thank you or any words at
11 all, as best you recall?

12 A No, I don't think so. She may have
13 motioned or acknowledged in a way, something like
14 that.

15 Q Was she -- forgive me if I've phrased this
16 in some way that seems insensitive -- how distraught
17 was she? Was she crying quietly or physically
18 distraught, if you understand my question?

19 A She was just crying. I mean, it seemed
20 that she was crying. Her eyes were wet -- tears were
21 from her eyes. You could see her face was upset.

22 Q She wasn't sobbing?

1 A No.

2 Q What's the next thing that you remember?

3 A Well, I just remember that I was concerned
4 with closing the counsel's office and I went back up
5 there. No one -- okay. I was up there, and I was
6 waiting for the -- it seemed like the people were
7 coming out now, and I noticed --

8 Q Let me stop you. After you saw
9 Ms. Thomasson, you went right back up to the
10 counsel's office?

11 A I don't know if I went right back up
12 there. I was up there shortly thereafter, yes.

13 Q Can you estimate how much time has passed
14 between when you left the counsel's office and went
15 back this time?

16 A No, I really can't.

17 Q Just no idea?

18 A No. I mean, we're only talking about 60
19 minutes; right?

20 Q Go ahead. You went back up to the
21 counsel's office and you said "they were," and I
22 interrupted you.

1 A Well, I just remember being in the hallway,
2 and I was talking to -- I never went back into the
3 suite, and I noticed Ms. Lieberman standing there.

4 Q Standing where?

5 A Standing right outside the doors of the
6 chief counsel's office, and I think she was talking
7 and she was talking back into the office. She went
8 back and walk into the office. I didn't see her
9 again. And then she came back out, and right after I
10 saw Mr. Nussbaum come out, and he walked away, and he
11 walked down the steps as far as I remember.

12 And then I saw Maggie Williams come out and
13 both women were standing there, and Ms. Lieberman
14 mentioned to me that she wanted the room locked. I
15 said okay. And then she said this is Maggie
16 Williams. She was walking by me at that moment
17 with -- I mean, she was just walking by me. She was
18 carrying something.

19 Q Who was carrying something?

20 A Ms. Williams.

21 Q What was she carrying?

22 A I just remember that she was carrying

1 files, and that's how I described it, folders on top
2 of each other.

3 Q Could you -- approximately what was the
4 volume of folders that she was carrying? Was it sort
5 of a big pile or a little pile?

6 A It was more than a little. It wasn't an
7 enormous amount, but it was more than a little.

8 Q Was she carrying it in one hand or two?

9 A She was carrying it in both hands, as if
10 there was some weight to it.

11 MR. FOLEY: Can we take a quick break for a
12 minute.

13 MR. JOHNSON: Sure.

14 (Recess.)

15 BY MR. JOHNSON:

16 Q I think before we took the break, you were
17 telling me that on the evening of July 20th you
18 recall speaking with Ms. Lieberman outside of the
19 White House counsel's office; is that correct?

20 A Yes, it is.

21 Q And she introduced you to Maggie Williams;
22 is that correct?

1 A That's correct.

2 Q And you personally observed Ms. Williams
3 leaving the White House counsel's office with a pile
4 of folders; is that correct?

5 A That's correct.

6 Q What, if any, further conversation did you
7 have with Ms. Lieberman within that time frame?

8 A None.

9 Q When she introduced you to Ms. Williams,
10 what, if any, conversation did you have with
11 Ms. Williams?

12 A None at all.

13 Q Did Ms. Williams speak to you at all?

14 A She looked at me and smiled, and I looked
15 at her and I said hello.

16 Q Were you able to tell anything at all about
17 the documents or the folders that she was carrying?

18 A Nothing at all. I hardly looked at them.

19 Q Did the folders contain documents?

20 A I don't know.

21 Q All you know is that there were a number of
22 folders; is that correct?

- 1 A Yes, sir.
- 2 Q Do you have any estimate at all of about
3 how many folders?
- 4 A No, I don't know the number. I would say
5 there were a few, more than a couple.
- 6 Q What was the approximate height? Sometimes
7 folders are described as sort of being a foot tall or
8 6 inches tall.
- 9 A I think I stated in the past -- in the past
10 I stated like 3 to 5 inches.
- 11 Q What color were they?
- 12 A I don't recall what color. I didn't --
- 13 Q Did they have any -- I'm just looking for
14 recognizing features. Did they have yellow Post-its
15 or anything of that kind on them?
- 16 A No, sir, not that I know of.
- 17 Q And let me just ask for clarity here,
18 Mr. O'Neill. Is there any doubt in your mind that
19 Ms. Williams was walking out of the White House
20 counsel's office with these folders?
- 21 A No doubt in my mind at all.
- 22 Q You saw her physically walk through the

- 1 door carrying those folders?
- 2 A Oh, yeah.
- 3 Q Did you see where she came from in the
4 White House counsel's office?
- 5 A No, sir.
- 6 Q Did anyone state where she came from?
- 7 A No, sir.
- 8 Q Do you have any understanding today at all
9 where from within the White House counsel's office
10 Ms. Williams came from?
- 11 A No, sir.
- 12 Q So obviously you don't know if they came
13 from Mr. Foster's office?
- 14 A I don't know if she came from Mr. Foster's
15 office.
- 16 Q Was Ms. Lieberman carrying anything?
- 17 A No.
- 18 Q Not a purse or anything like that?
- 19 A That, I don't know of. If you're referring
20 to a purse, I don't remember.
- 21 Q Do you recall whether or not she was
22 carrying a briefcase?

1 A No, I don't remember.

2 Q Now, you also testified that you saw
3 Mr. Nussbaum walk out of the White House counsel's
4 office; is that correct?

5 A Yes.

6 Q Was Mr. Nussbaum carrying anything, to the
7 best of your recollection?

8 A No, he wasn't.

9 Q You have a clear recollection that he was
10 not carrying a briefcase?

11 A I have a clear recollection that he wasn't
12 carrying a briefcase at that time.

13 Q Did you have any further conversations at
14 that time -- I take it you didn't have any
15 conversations at all with Mr. Nussbaum; is that
16 correct?

17 A No, sir, not at all.

18 Q You never even said hello or he didn't say
19 hello to you?

20 A No, he didn't.

21 Q Do you know whether or not he even saw you
22 there?

1 A I don't think so. I mean, he didn't
2 acknowledge me, no.

3 Q After Ms. Lieberman introduced you to
4 Ms. Williams, then what happened?

5 A She was walking past me.

6 Q Who was?

7 A Ms. Williams. She was walking past me to
8 her office.

9 Q Now, if I have the physical layout of the
10 White House -- off the record.

11 (Discussion off the record.)

12 BY MR. JOHNSON:

13 Q Where did Ms. Williams go when she walked
14 past you?

15 A She went to her office.

16 Q Was her office within eyesight of you?

17 A Yes, it was.

18 Q Did she enter her office?

19 A Yes, she did.

20 Q Is Ms. Williams's office alarmed?

21 A No, it isn't.

22 Q Was the door closed or opened when she

1 walked in?

2 A As far as I remember, the door was closed
3 and locked.

4 Q And who unlocked it?

5 A She unlocked it, walked in for a very few
6 seconds and came right back out.

7 Q Were you still standing there when she came
8 back?

9 A Yes, standing in exactly the same spot I
10 was in.

11 Q When she came out, was she carrying the
12 documents?

13 A No.

14 Q Did she carry the documents into her
15 office?

16 A Yes, she did.

17 Q What, if anything, did Ms. Williams do when
18 she came back out?

19 A First of all, I answered yes to your
20 question was she carrying the documents, and I never
21 said she was carrying documents. She was carrying
22 folders.

1 Q Thank you for that clarification. She was
2 carrying whatever you saw her carrying when she
3 walked out of the office?

4 A Yes.

5 Q When she went out, did she place the
6 folders down or put them in one arm or how did she do
7 that --

8 A She disappeared -- oh.

9 Q -- as she unlocked it to go in?

10 A I'm a little cloudy on that. I think she
11 put them down. There may have been a chair there.
12 There was like something up against the wall she
13 could have used, a bookshelf. I can't remember
14 that. I just remember she did like fumble with them
15 as she was trying to open the door.

16 Q And you saw her take the folders into her
17 office; is that right?

18 A Yes, I did.

19 Q How long would you estimate that she was in
20 her office?

21 A 10 seconds.

22 Q You saw her exit from her office?

1 A Yes, I did.

2 Q When she came out, did she close and lock
3 the door?

4 A Yes, she did.

5 Q Where was Ms. Lieberman standing when all
6 this occurred?

7 A She was still standing over by the door of
8 the counsel.

9 Q Were you and Ms. Lieberman carrying on a
10 conversation as this occurred?

11 A No.

12 Q Were you specifically watching
13 Ms. Williams? Did you make it a point to see where
14 she was going?

15 A Well, I was waiting to lock the rooms up.

16 Q "The rooms" meaning the White House
17 counsel's office?

18 A The White House counsel's office. This
19 woman that was identified as Maggie Williams was
20 walking by me and the other lady was speaking to me
21 saying that's Maggie Williams. She walked over to
22 her door, unlocked it, put the stuff in, came back,

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1 locked it and she came -- I waited for her to do what
2 she was doing basically, so the other lady stood
3 there waiting for her to finish also and then they
4 wanted me to lock the suite, and that's what I did.

5 Q Did they direct you to lock the suite?

6 A Yeah, I think so.

7 Q Did you go physically into the suite to
8 lock it?

9 A I had to go inside to throw the switch.

10 Q And you had to go inside Mr. Foster's
11 office to throw the switch, didn't you?

12 A Uh-huh.

13 Q What did you see when you went back into
14 Mr. Foster's office?

15 A I didn't see anything.

16 Q Could you tell whether or not any documents
17 had been moved around or disturbed in that office?

18 A No.

19 Q You wouldn't have any way of knowing that?

20 A I wouldn't have any way of knowing that.

21 Q And was there anyone else in the White
22 House counsel's suite at all when you went in there?

1 A No, sir.

2 Q Was the door to Mr. Foster's office open or
3 closed when you went in?

4 A I can't recall whether it was opened or
5 closed when I went back in.

6 Q The door to Mr. Nussbaum's office, was that
7 open or closed when you went in there?

8 A I can't recall right now.

9 Q And so I take it you flipped the switch in
10 Mr. Foster's office to turn the alarm on; is that
11 correct?

12 A Yes.

13 Q And you called down to the guard and told
14 him that was you turning off the switch; is that
15 correct?

16 A Yes.

17 Q Did you tell the guard that anyone else had
18 been in the office since the time that you had opened
19 it and when you closed it nearly an hour later?

20 A No, I didn't.

21 Q The alarm log we've been referring to as
22 Exhibit 000598 indicates that you, Mr. O'Neill,

1 secured that office at 23:41, which I take to be
2 11:41 on the evening of the 20th of July 1993. Would
3 you agree with me that that's what it says?

4 A Yes, I would.

5 Q And to the best of your recollection, was
6 that about the time that you locked up the office?

7 A Yes, it is.

8 Q Let me ask you a couple of questions. The
9 counsel's office can be locked with the physical lock
10 and key; is that right?

11 A Yes.

12 Q And it's also alarmed; is that correct?
13 There's an alarm that you can set in the White House
14 counsel's office?

15 A Yes, there is.

16 Q Ms. Williams's office can be locked with a
17 physical lock and key; is that right?

18 A Uh-huh.

19 Q And you testified earlier that there isn't
20 an alarm in that office; is that correct?

21 A Yes, it is.

22 Q So in your opinion, which of those two

1 offices is more secure?

2 A In my opinion?

3 Q Yes, sir.

4 A Chief counsel's office.

5 Q So in your opinion, Ms. Williams was
6 removing whatever it was she was removing from the
7 chief counsel's office and taking it to a less secure
8 place, as you understand the White House security?

9 A Would you repeat your question, please.

10 Q If it's your opinion that the counsel's
11 office is more secure than Ms. Williams's office, and
12 I take it it's clear in your mind that she removed
13 something from the counsel's office and took it to
14 her office. Any doubts about that?

15 A No doubts in my mind. She had something in
16 her arms.

17 Q These are the folders that you've
18 described?

19 A Yes.

20 Q And I just really wanted to get your
21 opinion, as a White House security officer, on the
22 relative security of the office. My suggestion to

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1 you -- tell me if it's not right -- that what you
2 observed was Ms. Williams removing folders from a
3 more secure office, the White House counsel's office,
4 and locking them in a less secure office, her
5 personal office; is that correct?

6 A That's correct.

7 Q Now, after Ms. Williams left the office,
8 who actually instructed you to lock the White House
9 counsel's office?

10 A No one else actually instructed me to do
11 it. It's my responsibility.

12 Q Did they say words to the effect that we're
13 done now or something like that?

14 A It was something said, but I don't recall
15 what it was.

16 Q Led you to believe it was okay to lock the
17 office; is that correct?

18 A Yes.

19 Q Did you see where Ms. Williams and
20 Ms. Lieberman went, if anywhere, after that time?

21 A I think they went down on the elevator.

22 Q And Mr. Nussbaum, I think you testified,

1 had also gone down on the elevator a few minutes
2 earlier; is that correct?

3 A I think Mr. Nussbaum had used the stairway.

4 Q Is that the last you saw any of
5 Mr. Nussbaum, Ms. Lieberman, Ms. Williams on that
6 evening?

7 A Yes, sir.

8 Q You didn't see them again at all?

9 A No, I didn't.

10 Q And you were in the White House until, I
11 think you testified, until 7:00 the next morning?

12 A Yes.

13 Q Did you see Ms. Thomasson again on that
14 evening?

15 A No.

16 Q Did you have any occasion to enter the
17 White House counsel's office at any time after you
18 secured it at approximately 11:41 on the evening of
19 the 20th?

20 A No.

21 Q You didn't go back in?

22 A No, sir.

1 Q You didn't let the cleaning crews back in?

2 A No.

3 Q Did you see anyone else go in the office at
4 any time that evening?

5 A No, I didn't.

6 Q Later on on that evening on the 20th, did
7 you see any unusual level of activity in the west
8 wing of the White House?

9 A On the first floor in the chief of staff's
10 office, yes, there was some activity.

11 Q What, if anything, did you see down there?

12 A I really didn't see anything. I just know
13 that the room was -- it was unlocked and it was
14 open. The lights were on. There was activity.

15 Q How late into the evening, if you recall,
16 did activity continue in the chief of staff's office?

17 A I really can't recall. It was later -- it
18 was within an hour or so or thereabouts, I think, of
19 the time that I had locked up the counsel's office.

20 Q So is it fair to say that before 1:00 in
21 the morning of the 21st, the activity had ceased in
22 the chief of staff's office, if you recall?

1 A I think so. It was around there.

2 Q You also testified earlier that there were
3 a lot of people in the communications office. Did
4 you have an occasion, after you locked the chief
5 counsel's office, to observe the communications
6 office later in that evening or early the next
7 morning?

8 A No, I didn't. It just seemed like things
9 quieted down, then nobody was there anymore.

10 Q Let me focus now on the very early morning
11 hours of the 21st. You were still physically present
12 in the White House; is that correct?

13 A Uh-huh.

14 Q Were you in the west wing?

15 A Uh-huh.

16 Q Did you observe any unusual activity in the
17 early morning hours of the 21st in the west wing of
18 the White House?

19 A No, sir.

20 Q You didn't see anyone coming or going with
21 documents or boxes or anything of that kind?

22 A No, I didn't.

1 Q Officer O'Neill -- strike that.

2 In the White House counsel's suite at that
3 time --

4 MR. KRAVITZ: What time?

5 MR. JOHNSON: At the time of Mr. Foster's
6 death. Thank you, Neal.

7 BY MR. JOHNSON:

8 Q Were there any safes located in the White
9 House counsel's suite at that time?

10 A Yes.

11 Q Where are the safe or safes located, or at
12 that time, where were they located?

13 A They're located in Mr. Nussbaum's office.

14 Q How many safes are there?

15 A I think there's two of them in there.

16 Q Were there any safes in Mr. Foster's
17 office?

18 A I can't recall if there is or not.

19 Q You don't have a combination to the safes
20 in Mr. Nussbaum's office, do you?

21 A No.

22 Q Do you have any knowledge of who does have

1 combinations to the safes?

2 A No.

3 Q Did you hear the safes being opened on the
4 night you were in there?

5 A No, sir.

6 Q Let me just, before I leave this area, be
7 sure I have the time frames right. Am I correct that
8 you first saw Mr. Nussbaum enter the White House
9 counsel's office at approximately 10 minutes before
10 11:00 on the evening of the 20th; is that correct?

11 A Yes, it is.

12 Q And we've ascertained that you secured --
13 closed the White House counsel's office at 11:41 on
14 that evening; is that right?

15 A Yes, it is.

16 Q How long before you secured it did you
17 observe Mr. Nussbaum leaving the White House
18 counsel's office?

19 A About five minutes, five to 10 minutes.

20 Q To the best of your recollection, he would
21 have left the office at 11:41 that evening?

22 A Yes.

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1 Q Are those the only times you saw
2 Mr. Nussbaum enter the office and leave the office?

3 A Yes.

4 Q You have no idea whether he remained there
5 the entire time?

6 A No, I didn't.

7 Q Did you see him anywhere else in the
8 office?

9 A No, I don't.

10 Q Did you ever see Mr. Nussbaum go into
11 Mr. Foster's office?

12 A No, I didn't.

13 Q And you don't know today, or do you,
14 whether Mr. Nussbaum ever went into Mr. Foster's
15 office?

16 A No, I don't.

17 Q And you saw Ms. Thomasson in Mr. Foster's
18 office; is that correct?

19 A Uh-huh. Yes.

20 Q And you don't have any idea how long
21 Ms. Thomasson remained in Mr. Foster's office, do
22 you?

- 1 A No, I don't.
2 Q Did you ever see Ms. Williams in
3 Mr. Foster's office?
4 A No, I didn't.
5 Q And you never saw Ms. Lieberman in
6 Mr. Foster's office?
7 A No, sir.
8 Q Now, let me just fix some time frames.
9 When Mr. Nussbaum walked in a few minutes before
10 11:00, I think you testified you heard a woman or
11 woman's voice at that time; is that correct?
12 A Yes.
13 Q Was it more than one woman or just one?
14 A Just one.
15 Q Did you hear any other voices?
16 A No.
17 Q You ever hear a man's voice other than
18 Mr. Nussbaum's voice?
19 A I don't think I stated that I heard his
20 voice.
21 Q Fair enough. You never even heard
22 Mr. Nussbaum's voice?
-

- 1 A No.
2 Q You're personally aware that Ms. Lieberman
3 left the White House counsel's office sometime
4 between when you opened it at 10:42 and when you
5 closed it at 11:41 because you rode down in the
6 elevator; is that correct?
7 A Yes.
8 Q Are you aware of any other comings and
9 goings from the White House counsel's office, other
10 than that, in that time frame?
11 A By her?
12 Q Strike that.
13 Of course you saw Ms. Thomasson downstairs?
14 A Right.
15 Q Other than what you've described with
16 respect to Ms. Lieberman and Ms. Thomasson, did you
17 see anyone else come or go from the White House
18 counsel's office during that time frame?
19 A No.
20 Q Do you, Mr. O'Neill, have any knowledge at
21 all about whether or not anyone might have entered
22 the White House counsel's office on the evening of

1 the 20th before you opened that suite at 10:42 on
2 that evening?

3 A No, I wouldn't have any information on
4 that.

5 Q You didn't see anything at all that leads
6 you to believe that anyone was in there prior to that
7 time?

8 A No, sir.

9 Q And I think we've ascertained that you
10 didn't personally observe any unusual activity in the
11 White House for the remainder of your shift until
12 7:00 the next morning; is that correct?

13 A That's true.

14 Q Now, Mr. O'Neill, what, if anything, do you
15 know about the events surrounding Mr. Foster's death
16 after you got off work in the early morning hours of
17 July 21, 1993?

18 A I don't know anything.

19 Q You didn't have any more personal
20 involvement with anything at all?

21 A Not at all.

22 Q Did you ever report the events that we've

1 been talking about surrounding access to Mr. Foster's
2 office on the evening of July 20th to any of your
3 superiors at the White House?

4 A No.

5 Q Did you ever -- whether or not you reported
6 it in any official way, did you ever tell anyone else
7 what you had seen?

8 A No, sir. I've been interviewed before.

9 Q I was about to come to that. In fact, let
10 me go a little bit cautiously through it. Please
11 exclude from any of the answers to the questions that
12 I'm about to give you any conversations that you may
13 have had with the Independent Counsel's office or any
14 representative of the Independent Counsel's office,
15 and I'd be grateful if you would not tell us whether
16 or not you've even had such conversations.

17 My point is I'm not asking about that. But
18 other than that, who have you been interviewed by?

19 A No one.

20 Q No counsel representing any of the White
21 House staff has ever asked to talk with you?

22 A No, sir.

1 Q You didn't get any phone calls from
2 Mr. Nussbaum's attorney or Ms. Williams's attorney
3 asking whether or not you'd speak with them?

4 A No.

5 Q In the days succeeding -- strike that.

6 In the days following Mr. Foster's death on
7 July 20, 1993, did you ever read any press accounts
8 describing whether or not any documents had been
9 removed from Mr. Foster's office on the evening of
10 the 20th?

11 A Would you mind repeating your question.

12 Q Sure. Did you ever read in the newspaper
13 any descriptions about whether or not anything had
14 been removed from Mr. Foster's office?

15 A Yes.

16 Q What do you remember reading?

17 A Well, do I have to answer these questions?
18 Why is that important?

19 Q I'm not sure it is, but I want to ask you
20 your impressions about what you may have read.

21 A My impressions?

22 Q Yes, sir.

1 A I don't have any impressions.

2 Q Why don't you just tell me -- maybe it
3 would be faster if you tell me what you remember
4 reading.

5 A I remember sometime later, not close or
6 near the time of the events surrounding the 20th, it
7 was sometime later that I remember for the first time
8 noticing in the newspaper about documents, stated in
9 the newspaper articles that I read about documents
10 being taken from the counsel's office. In fact, I
11 think by Maggie Williams, in fact.

12 It was after -- it was after a considerable
13 amount of time had passed. And I read some accounts,
14 but I didn't keep a very close eye on the accounts of
15 what was going on because it didn't say anything
16 about why wasn't the rooms locked or whatever, who
17 opened the lock, who opened the door, never said
18 anything in the paper about I unlocked the door or
19 even that the Secret Service had unlocked the door.

20 Q Your name never appeared in the newspaper?

21 A No.

22 Q Do you ever remember reading any statements

1 in the press attributed to Ms. Williams or to White
 2 House spokespersons that no documents were removed
 3 from Mr. Foster's office? Do you ever remember
 4 reading that in the newspaper?

5 A No, I don't remember.

6 Q Have you had any subsequent conversations
 7 with any of the individuals who were present in the
 8 White House counsel's office on the evening of July
 9 20th on the topic of their presence there?

10 A No.

11 Q Mr. O'Neill, I take it based on everything
 12 that we've said, I think you've specifically
 13 testified while you saw Ms. Williams coming out of
 14 the White House counsel's office with a pile of
 15 folders, you don't know from where within those
 16 offices those folders came from; is that correct?

17 A That's true.

18 Q Was it your assumption on the evening of
 19 July 20th that those folders were being removed from
 20 Mr. Foster's office?

21 A Was it my assumption?

22 Q Is that what you thought?

1 A I didn't assume anything.

2 Q You didn't give it any thought one way or
 3 the other?

4 A No.

5 Q Is that your assumption today based on
 6 everything you know?

7 A Basically, yeah.

8 Q If you had to guess today -- I realize you
 9 don't have personal knowledge and you didn't see it,
 10 but if you had to guess today, that would be your
 11 guess?

12 MR. KRAVITZ: What would be the guess?

13 MR. JOHNSON: That those folders were
 14 removed from Mr. Foster's office.

15 MR. KRAVITZ: I object to the relevance of
 16 him being asked to guess.

17 THE WITNESS: I don't see any relevance to
 18 it, either.

19 BY MR. JOHNSON:

20 Q Mr. O'Neill, you're the person who was an
 21 eyewitness to these events, and I'm asking -- you saw
 22 these things?

1 A I saw them, yeah, and probably as a result
2 of reading it much later that there was, in fact,
3 information taken at that time, and I felt that I had
4 witnessed something, yes, as a result of reading it
5 in the paper and saying well, I remember seeing that.

6 Q And my question is really just to capture
7 your thoughts about it, and I realize you've been
8 very clear that you didn't see Ms. Williams in
9 Mr. Foster's office, and you didn't see where she
10 came from when she was exiting the counsel's office
11 when she came out with the pile of folders. That's
12 very clear on the record.

13 I'm asking you, based on everything you
14 know because you are the witness as you've described,
15 is it your assumption based on everything you've
16 observed that those documents came from Mr. Foster's
17 office?

18 A Yes, it is.

19 MR. JOHNSON: Let me take one second. I
20 may be finished.

21 (Pause.)

22 BY MR. JOHNSON:

1 Q Mr. O'Neill, I take it you don't have any
2 personal knowledge or any other knowledge to know
3 what, if anything, happened with the folders that you
4 observed Ms. Williams placing in her office on the
5 evening of the 20th?

6 A No, I don't.

7 Q You just don't have any idea?

8 A Not at all.

9 Q Let me show you a document that's been
10 produced to us bearing document production numbers
11 6492 through 6495. And let me state for the record
12 that it appears to be alarm logs for Mr. Nussbaum's
13 office and Mr. Watkins's office. I'll show you the
14 entire document. I want to show you page 6495 which
15 bears the legend at the top "Mr. Watkins's office"
16 and which appears to be an alarm log for July 20,
17 1993 and July 21, 1993.

18 Have you ever seen that document before?

19 A No, sir.

20 Q Let me direct your attention to a couple of
21 entries on here. One entry at approximately 3:15 in
22 the morning of July 21, 1993, it indicates that

1 someone -- a uniformed division officer O'Neill may
2 have entered Mr. Watkins's office. Do you see that?

3 A Yeah, I see it.

4 Q Do you have any recollection of going into
5 Mr. Watkins's office in the early morning hours of
6 the 21st?

7 A No, I don't.

8 Q Would Mr. Watkins's office be part of your
9 ordinary duties to escort the cleaning crew?

10 A Oh, yeah.

11 Q I understand you don't have any specific
12 recollection. Is it your assumption you would have
13 entered his office that evening as part of that duty?

14 A I'm sorry, what was your question?

15 Q Even though you don't have any specific
16 recollection of going into that office in the early
17 morning hours of the 21st, is it your assumption that
18 you would have entered to escort the cleaning crew in
19 there that evening?

20 A Yes.

21 Q Let me also show you a couple of other
22 entries. It indicates a number -- on the evening of

1 the 20th, I'm still referring to Exhibit Number 6495,
2 a number of entries beginning at 7:16 in the evening
3 and ending at 10:48 in the evening, a number of
4 entries by someone by the name of Thomasson, spelled
5 T-h-o-m-a-s-o-n or T-h-o-m-i-s-o-n or
6 T-o-m-l-i-n-s-o-n.

7 A What was your question? I see the three
8 different spellings.

9 Q What would be -- I take it it's your
10 testimony that you saw Patsy Thomasson standing in
11 David Watkins's door at some time during the evening
12 of the 20th; is that correct? You testified before
13 that you saw her standing down there?

14 A Yes, sir.

15 Q And I guess my question is, does reference
16 to this log refresh your recollection at all about
17 what time you may have seen her standing down there?
18 My question is, does this refresh your recollection
19 at all or help you place in time what time of evening
20 you may have seen Ms. Thomasson standing in
21 Mr. Watkins's door?

22 A Yeah, right around 22:48.

1 Q In lay terms, that would be 10:48 in the
2 evening?

3 A I think it was a little later than that.

4 Q Well, all this would indicate is that she
5 opened the door at that time?

6 A Uh-huh.

7 Q And your recollection is you saw her
8 standing there sometime after that time in the
9 evening?

10 A Uh-huh. Yes, sir.

11 Q There are certain entries on this log --
12 there are two entries on this log, bearing document
13 production number 6495, which bear the description
14 "MIG group." Do you know what that is?

15 A I'd have to look at it again. I don't
16 think I do know what it is. No, not by that
17 designation.

18 Q In the early morning hours of the 21st, it
19 appears to be at about 12:11 and 12:12, shortly after
20 midnight on the morning of the 21st, there is an
21 entry on this log, 6495, bearing the name Thompson.
22 Do you know anyone by the name of Thompson who works

1 in the west wing of the White House?

2 A No. I can only assume that it maybe the
3 spelling is wrong, that it's Thomasson.

4 Q Would it be your guess from this log that
5 was, in fact, Ms. Thomasson and not Thompson?

6 A Yeah, depending on who produced this. Who
7 produced this document?

8 Q The Treasury Department. Do you know --
9 let's not dwell on that.

10 Do you know an individual by the name of
11 Steve Johnson, an individual who may have worked in
12 the White House complex in July of 1993 by the name
13 of Steve Johnson?

14 A No. My cousin's name is Steve Johnson.

15 Q I have one of those, too. But other than
16 that, you're not aware of any person in the White
17 House by that name?

18 A Not that I can recall.

19 Q Now, Mr. O'Neill, is there anything that
20 you're aware of that might be relevant to the
21 investigation into Mr. Foster's death or the handling
22 of his documents that I have neglected to ask you?

1 A Well, I was asked to bring the burn bag to
2 the chief of staff's office, the one that I had
3 collected, and I gave it to them.

4 Q Who asked you to do that?

5 A I was directed by my control center, and I
6 gave it to a female staff member.

7 Q About what time were you requested to do
8 that?

9 A I wasn't never really sure about what time
10 it was. It was around the time all the activity was
11 going on. It was after I had locked up the chief
12 counsel's office. It was within the hour of that,
13 perhaps a half hour.

14 Q And we established that you locked the
15 White House counsel's office at 11:41 in the evening;
16 is that correct?

17 A That's correct, somewhere around 12:30.

18 Q Where was the burn bag at that time?

19 A Pardon me?

20 Q Where physically was the burn bag?

21 A The burn bag was with me.

22 Q You had removed that from --

1 A It wasn't from Mr. Foster's office. It was
2 the burn material that I had collected, whether it
3 be -- it was from the second floor and perhaps the
4 ground floor. See, there are burn bags all over the
5 west wing and they're not all in secure rooms, so
6 whatever burn bags have anything in them, it's just
7 paper basically, and they just throw it right in the
8 bag and take it.

9 Q You testified earlier that the procedure
10 was to take the burn bag that's in the office and to
11 dump the materials into a larger bag; is that
12 correct?

13 A Right.

14 Q And now you're describing the larger bag
15 that you were carrying?

16 A Yeah, that's the one I'm talking about.

17 Q Had you removed any burn bag materials from
18 Mr. Foster's office?

19 A No, sir.

20 Q Had you removed any burn bag materials from
21 the White House counsel's office?

22 A None at all, none.

1 Q So when someone in the chief of staff's
2 office asked you for the burn materials -- you don't
3 recall who that was?

4 A Yes, I do.

5 Q Who was it?

6 A I can't remember her name now. I
7 remember -- it's in some official records that I've
8 given. I just can't remember right now.

9 MR. KRAVITZ: Excuse me for a minute. I
10 believe Mr. O'Neill's testimony was not that a female
11 staff member asked him for the burn bag, but that he
12 was directed by the control center. I think you
13 misstated his testimony.

14 MR. JOHNSON: I'm sorry, I didn't realize I
15 had stated your testimony incorrectly. If I did, I
16 apologize.

17 BY MR. JOHNSON:

18 Q Who asked you for the burn bag materials?

19 A Sylvia somebody.

20 Q Do you recall?

21 A Sylvia -- I can't remember her last name.

22 Q Is it Sylvia Matthews?

1 A Yeah, that's who it was.

2 Q Did she speak to you directly?

3 A Yeah. I went to the chief of staff's
4 office because she's the one that I gave it to. She
5 came through the hallway and I gave her the bag and
6 she took the bag into the chief of staff's area. And
7 then sometime later, a short time later they just --
8 I was called again to go pick it up.

9 Q How did you know to go to the chief of
10 staff's office? The control center told you to go
11 there?

12 A Yes.

13 Q They said take your burn bag materials down
14 to the chief of staff's office?

15 A No, they told me on the phone.

16 Q Who did you call over the phone?

17 A I just called the number, our number.

18 Q For the chief of staff's office?

19 A No. I called -- they called me on the
20 radio to tell me to call the -- we have certain
21 designations. Call the control center. They had
22 information for me. The information was to go to the

1 chief of staff's office and take the burn bag there,
2 and that's what I did.

3 Q And then when you got to the chief of
4 staff's office, what happened?

5 A Sylvia Matthews came out and said thank
6 you, and took the bag.

7 Q How did you know that was Sylvia Matthews?

8 A I didn't know it at that time.

9 Q How have you since learned that was Sylvia
10 Matthews?

11 A I saw -- there's photos of everyone who
12 works in the White House, and I saw her photo and her
13 name.

14 Q So after looking at her photo, you know
15 today it was Sylvia Matthews?

16 A I'm absolutely sure it was Sylvia Matthews.

17 Q Did she say anything to you other than
18 thank you?

19 A No, she didn't say anything.

20 Q Did anyone say or imply to you what the
21 purpose of returning the burn materials or the burn
22 bag to the chief of staff's office was?

1 A No, sir.

2 Q Did you see anyone in the chief of staff's
3 office other than Sylvia Matthews?

4 A No, I didn't see anyone else.

5 Q And I take it you just handed her the
6 entire burn bag which would contain all of the burn
7 materials you'd collected that evening?

8 A Yes.

9 Q How much material was in there, if you
10 recall?

11 A Not much.

12 Q And you're clear in your own mind, no
13 material, none at all came from Mr. Foster's office
14 or from the White House counsel's suite?

15 A That's correct.

16 Q I take it at some point in time they called
17 you back?

18 A Yes, sir, they called me back shortly.

19 Q And I'll try not to confuse it the way I
20 did before, but who called you back?

21 A I was called again by the control center.

22 Q And they said go back to the chief of

1 staff's office?

2 A Wait a minute. See, I can't remember.

3 Yeah, I think that's what happened.

4 Q And then when you got -- did you walk
5 directly back to the chief of staff's office at that
6 time?

7 A Yes, sir.

8 Q And who did you see there?

9 A I think it was the same woman. She gave it
10 back to me.

11 Q Did she say whether or not she had examined
12 the materials of the burn bag?

13 A No, she didn't.

14 Q And I take it she didn't say whether or not
15 she had removed any materials from the burn bag?

16 A No, sir.

17 Q Did you ask her?

18 A No, I didn't.

19 Q Did you have any further conversations with
20 her at that time about the burn bag at all?

21 A Not at all, no.

22 Q Did you have any further conversations with

1 anyone on that evening or later about the burn bag or
2 its contents?

3 A No.

4 Q And I take it you took the contents that
5 were returned to you and disposed of them as you
6 ordinarily would?

7 A Yes, sir.

8 Q Other than that, Mr. O'Neill, is there any
9 other thing that I have neglected to ask you or
10 inquire about that relates at all to the events
11 surrounding Mr. Foster's death?

12 A None that I know of, sir.

13 MR. JOHNSON: Thank you very much for your
14 patience. I know this has been very tedious, and I'm
15 certain that Mr. Kravitz will have some questions.
16 And I want to speak with you again at the end about
17 confidentiality, but thank you for your tolerance.

18 MR. KRAVITZ: Let's go off the record.

19 (Discussion off the record.)

20 (Whereupon, at 2:15 p.m., the deposition
21 was recessed, to be reconvened at 3:00 p.m. this same
22 day.)

AFTERNOON SESSION (3:05 p.m.)

Whereupon,

HENRY P. O'NEILL

resumed the stand and, having been previously duly sworn, was examined and testified further as follows:

EXAMINATION

BY MR. KRAVITZ:

Q Mr. O'Neill, my name, again, is Neal Kravitz, and I'm counsel for the Democratic members of the Special Committee. I'm going to go back through many of the same areas that Mr. Johnson covered in his questions. I apologize if I'm repetitive, but it's important for me to be able to ask some follow-up questions in those areas.

I want to start by directing your attention back to the point on the night of July 20, 1993 at 10:42 p.m. when you went into the White House counsel's suite with the cleaning crew. Okay?

A Yes, sir.

Q As of that time, you had not yet spoken with Howard Pastor, had you?

A No, I hadn't.

Q So as of the time that you and the cleaning crew entered the White House counsel's office suite on July 20th, you did not know that Mr. Foster was dead, did you?

A That's correct.

Q And as far as you were concerned during that first 10 minutes that you were inside the office before you talked with Mr. Pastor, it was just a routine visit to the office to clean it; correct?

A Exactly.

Q There was nothing different about that night than any other night according to your approach; is that right?

A That's true.

Q So you weren't paying any particular attention to whether the cleaning people were picking up trash bags or doing anything in particular, were you?

A As a matter of fact, I was paying attention to them because I was actually talking to them while they were picking the trash out of the cans. I was talking to them -- like I'm standing -- I was

1 standing facing them. They were on the far side of
2 the room at that point. At least the one was, and
3 the other one closer to me. She may have been out in
4 the hallway and came back in the room. I was
5 speaking with one of them at the same time when I
6 noticed the people coming into the suite.

7 Q Which room in the White House counsel's
8 office suite were you in when you were talking to the
9 cleaning people?

10 A In the reception area.

11 Q Now, it was your testimony earlier that
12 neither of the cleaning women went into Mr. Foster's
13 office during that approximately 10-minute period;
14 correct?

15 A As far as I remember, yes.

16 Q And neither of the cleaning women went into
17 Mr. Nussbaum's office either; right?

18 A As far as I remember, yes.

19 Q The only part of the suite that the
20 cleaning women were in was the reception area?

21 A Right.

22 Q And it's your testimony that you observed

1 at least one of the two cleaning women emptying trash
2 cans or a trash can in the reception area during that
3 first 10-minute period?

4 A I never said 10 minutes.

5 Q I think you testified this morning --
6 correct me if I'm wrong --

7 A I said within a few minutes.

8 Q During that few-minute period between the
9 time that you and the cleaning crew initially entered
10 the office at 10:42 and the time that Mr. Nussbaum
11 came in a few minutes later --

12 A Yes.

13 Q -- how many trash cans are there in the
14 reception area -- actually, strike that.

15 How many trash cans were there in the
16 reception area of the White House counsel's suite on
17 the night of July 20, 1993?

18 A There's at least five.

19 Q And are you basing that on observations
20 that you remember making that night or just on having
21 been in that office several times?

22 A The latter.

1 Q You didn't count how many trash cans there
2 were in the counsel's office reception area that
3 night?

4 A No.

5 Q Do you remember how many trash cans you
6 observed cleaning people dump in the White House
7 counsel's office reception area on the night of July
8 20, 1993?

9 A Do I recall how many I -- no, I don't.

10 Q You had no idea at that time that you were
11 going to be testifying about a subject like this two
12 years later in that position?

13 A Of course not.

14 Q There was no reason for you to remember
15 facts like that or details like that?

16 A I'm sorry, repeat that.

17 Q At the time, before Mr. Nussbaum came into
18 the office, you didn't have any reason to pay
19 attention and try to remember minor details; isn't
20 that right?

21 A Concerning how many trash cans?

22 Q Concerning anything such as how many trash

1 cans people were dumping.

2 A That particular idea of how many trash
3 cans, no, I never gave it that much thought.

4 Q Which cleaning woman were you talking to
5 when she was dumping trash?

6 A As far as I remember, it was Diane Walters.

7 Q And your testimony is that you don't know
8 where the other cleaning woman was at that time?

9 A I've never stated whether -- no, I didn't
10 state that.

11 Q I thought you stated you didn't know
12 whether she was in the office or back out in the
13 hall?

14 A At this time when we were speaking, I
15 stated I didn't know when -- she was there in the
16 room behind me or close to me, within close
17 proximity. We're talking about a small room.

18 Q I think I may have misheard you. I think
19 you said a couple minutes ago that --

20 A She may have stepped out in the hallway. I
21 did say that.

22 Q Mr. O'Neill, I know Mr. Johnson told you

1 this at the very beginning. It's important we try
2 and not talk over each other. I'll try not to
3 interrupt you and ask you to try want to interrupt
4 me.

5 A Okay.

6 Q So you did say a few minutes ago that the
7 second cleaning woman may have stepped out into the
8 hallway at that time; correct?

9 A Exactly, as I remember.

10 Q Let me ask you some more general questions
11 about procedures that you're supposed to follow when
12 you're escorting a cleaning crew into a secure office
13 like the White House counsel's office suite. Are you
14 required to keep -- strike that.

15 Let's assume you're there with a cleaning
16 crew made up of two people. Are you required to keep
17 both members of that cleaning crew within your sight
18 at all times they're inside the secured office?

19 A Well, I'm sure that -- as close as you can
20 as possible. You're supposed to be with them.
21 You're not supposed to stay right next to them, as I
22 stated earlier.

1 Q Basically, you're supposed to stay as close
2 as you can to them without getting in their way?

3 A Yes.

4 Q Are there written procedures for escorting
5 cleaning crews into secure offices, to your
6 knowledge?

7 A I'm sure there are.

8 Q Have you ever seen any?

9 A Over the years, I've looked at some, yes.
10 I can't recall exactly if you're supposed to state --
11 they are supposed to be within your field of vision,
12 yes.

13 Q What's your understanding of the purpose of
14 having a Secret Service escort for a cleaning crew in
15 a secure office?

16 A Oh, boy. It's just part of the job and you
17 just escort them in the secure rooms, ones where
18 there's sensitive information.

19 Q Isn't it to make sure the cleaning crew
20 doesn't disturb any of the sensitive information?

21 A Well, yeah, that's a very important thing,
22 yes.

1 Q I want to ask you a few questions about the
2 point when Mr. Nussbaum first came into the office a
3 few minutes after you and the cleaning crew arrived,
4 okay? I guess there's been some confusion in my mind
5 as to how long you had already been in the office,
6 but give us your best estimate as to how many minutes
7 after you and the cleaning crew arrived Mr. Nussbaum
8 entered the office.

9 A My best estimate? Within a few minutes.

10 Q Can you put a number on that?

11 A Five minutes, 10 minutes.

12 Q Five to 10 minutes?

13 A I'd say closer to five.

14 Q So if you entered the office at 10:42 p.m.,
15 Mr. Nussbaum entered the office, to the best of your
16 recollection sometime between 10:47 and 10:52 p.m.?

17 A To the best of my recollection.

18 Q Now, you've told us earlier where you were
19 standing when Mr. Nussbaum came into the office.
20 Where were the two cleaning women?

21 A One was at the back or the -- I don't know
22 if you consider it the back or front of the office,

1 but she was away from the door.

2 Q Away from the front door to the suite?

3 A It was considered at the back part.

4 Q Who was that?

5 A That was Ms. Walters.

6 Q Where was the other cleaning woman?

7 A She was in the -- she was close, at either
8 a desk beside me or right behind me.

9 Q Do you have any recollection as to what
10 either of the two cleaning women was doing at the
11 time Mr. Nussbaum entered?

12 A One was picking a bag out of the trash
13 can. The other, I think she was wiping a desk, but I
14 can't be positive of that.

15 Q Now, you noticed Mr. Nussbaum, I think you
16 said, over your shoulder entering the office; is that
17 right?

18 A Yes.

19 Q And I apologize again if you've already
20 answered these questions, but I just need to ask
21 them. At the time that Mr. Nussbaum entered the
22 office, sometime around 10:45 or a little bit later

1 that night, did you see anyone else enter the office
2 at the same time Mr. Nussbaum entered?

3 A No.

4 Q All you saw was Mr. Nussbaum coming in and
5 going back into his personal office; is that correct?

6 A That's correct.

7 Q Now, before the time that Mr. Nussbaum
8 actually got into his own personal office, were you
9 aware that anyone else was with him? Did you hear
10 these women's voices that you testified about
11 earlier, or was that only after Mr. Nussbaum was in
12 his own office?

13 A It was after he was in his office.

14 Q How long after Mr. Nussbaum got into his
15 own office did you first hear these women's voices?

16 A Within seconds.

17 Q Mr. Nussbaum, I take it, went directly into
18 his office?

19 A Yes, sir.

20 Q He didn't stop to talk to you?

21 A No, sir.

22 Q He didn't stop to talk to either of the

1 cleaning women?

2 A No, he didn't.

3 Q He didn't make any telephone calls from the
4 reception area?

5 A No, sir.

6 Q And then it was a matter of only a few
7 seconds later that you saw -- that you heard women's
8 voices coming from Mr. Nussbaum's office?

9 A That's correct.

10 Q And I think you've testified that you
11 couldn't -- that you weren't able to make out
12 anything that was being said?

13 A That's correct.

14 Q Were you listening?

15 A No, sir.

16 Q Again, at this point, you didn't know that
17 Mr. Foster was dead yet, did you?

18 A That's correct.

19 Q Now, how long after Mr. Nussbaum arrived in
20 the office did you leave the White House counsel's
21 office suite?

22 A Within a minute.

1 Q And what was the reason why you left?

2 A Because of the staff being in the office
3 and the procedure was that while the staff was in the
4 office, we didn't stay in the room at the same time
5 and clean.

6 Q So in other words, there was a rule or a
7 procedure which required you and the cleaning crew to
8 leave the White House counsel's office suite once any
9 White House counsel's staff arrived at the suite; is
10 that right?

11 A That's right.

12 Q Is that a formal policy of the
13 Secret Service?

14 A That's a formal policy, as far as I know.

15 Q What is the policy in the event that when
16 you go to a secure office like the White House
17 counsel's office suite to escort a cleaning crew --
18 what do you do if someone is there when you arrive,
19 if a staff person is there when you arrive?

20 A We don't go in. If the room is opened, if
21 it's a secure room, then I wouldn't go in there with
22 the cleaners. If they were to go in on their own,

1 the responsibility, then, is on the staff that's in
2 the room to keep an eye on their activity while
3 they're in there. It doesn't fall under my
4 responsibility at that point.

5 I mean, in that case, if the counsel's
6 office was open and there were secretaries in there,
7 or even the chief counsel, and they wanted to go in
8 and collect the trash or vacuum in there, they would
9 have to request that, I would imagine, of the people
10 that are in the office.

11 Q When you went up to the White House
12 counsel's office suite on the night of July 20th to
13 escort the cleaning crew, did you know whether anyone
14 was in the White House counsel's office before you
15 got there?

16 A No, I didn't.

17 Q So you didn't know whether you would find a
18 locked office that you'd have to turn the alarm off
19 or open an office with people working in it?

20 A Correct.

21 Q When you left the counsel's office because
22 Mr. Nussbaum and others had arrived, what did the

1 cleaning -- what did the two cleaning women do? Did
2 they leave with you?

3 A Yes.

4 Q And I think you testified after you left
5 the office -- I'm sorry, the White House counsel's
6 office suite that first time, that was when you spoke
7 with Howard Pastor in the hallway?

8 A Yes, sir.

9 Q Where were the cleaning women while you
10 were speaking with Mr. Pastor?

11 A I'm not sure where they were.

12 Q Do you remember if they were still on the
13 second floor of the west wing?

14 A Momentarily, I think they were.

15 Q Now, were those two cleaning women assigned
16 only to the second floor of the west wing that night,
17 or was their assignment larger than that?

18 A I don't know.

19 Q You've testified earlier that there are two
20 secured office suites on the second floor of the west
21 wing, the White House counsel's office suite plus one
22 other that I won't name for purposes of the record;

1 is that correct?

2 A That's correct.

3 Q Do you know whether, as of the time that
4 you and the cleaning crew entered the White House
5 counsel's office suite at 10:42 that night, the other
6 secured office suite on the second floor of the west
7 wing had yet been cleaned?

8 A No.

9 Q You don't know or it hadn't been cleaned?

10 A I don't know if it had been.

11 Q You personally had not escorted a cleaning
12 crew into that other secured suite on the second
13 floor of the west wing before 10:42 on the night of
14 July 20th?

15 A No, I hadn't.

16 Q And you don't know whether anyone else had?

17 A No, I don't.

18 (Witness conferred with counsel.)

19 MR. FOLEY: Can we go off the record?

20 (Discussion off the record.)

21 BY MR. KRAVITZ:

22 Q Mr. O'Neill, let me ask you this: As of

1 July 1993, how many of the offices on the second
2 floor of the west wing -- and when I say "offices," I
3 include suites of offices -- required Secret Service
4 escort for the cleaning crew? You don't have to
5 identify which offices or suites of offices they are,
6 but how many of them are there that require
7 Secret Service escort?

8 A At that time?

9 Q Right, as of July 20, 1993.

10 A Two.

11 Q Could the cleaning crew go into Maggie
12 Williams's office without a Secret Service escort?

13 A If it were unlocked, yes.

14 Q What if it were locked?

15 A I don't know how -- I never remember
16 escorting anyone in there to clean.

17 Q You don't remember ever escorting a
18 cleaning crew into Maggie Williams's office?

19 A Never did.

20 Q How long were you on this assignment --

21 A Two years --

22 Q I'm sorry, let me finish the question. How

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1 long were you on the assignment of escorting cleaning
2 crews in the west wing of the White House?

3 A Three years.

4 Q And virtually every night you were on that
5 duty for that three-year period, you would escort a
6 cleaning crew into the White House counsel's office
7 suite?

8 A Yes.

9 Q And also into one other locked suite on the
10 second floor of the west wing?

11 A That's correct.

12 Q And it's your testimony that at no time in
13 that three-year period did you ever escort a cleaning
14 crew into Maggie Williams's office?

15 A First of all, they weren't there for three
16 years.

17 Q What three-year period are we talking
18 about?

19 A We're talking about the fact it was the --
20 I discontinued doing it in August.

21 Q Of 1993?

22 A Right, so it was the three years prior to

1 that.

2 Q Between January 20, 1993 and August 1993,
3 did you ever escort a cleaning crew into Maggie
4 Williams's office?

5 A No, sir.

6 Q Was that her office, that same office, that
7 entire time period?

8 A I don't know.

9 (Discussion off the record.)

10 BY MR. KRAVITZ:

11 Q How long after you left the White House --
12 now, you left the office after Mr. Nussbaum entered
13 it, and then you spoke with Mr. Pastor; correct?

14 A Yes.

15 Q And I think you testified that you don't
16 know where the cleaning women were at that point?

17 A That's correct.

18 Q Was it still your intention to clean the
19 White House counsel's office suite at some point
20 after the staff left the office suite?

21 A No, it was not my intention.

22 Q Why not?

1 A Because of the nature of the seriousness of
2 the situation of what happened. I just decided that
3 we shouldn't go in there.

4 Q Once you learned from Mr. Pastor about
5 Mr. Foster's death --

6 A Well, they wouldn't have had time to do it,
7 probably, because of the women -- the time that the
8 people were in there, I mean, Mr. Nussbaum and
9 whoever was in there at that time and when the lady
10 wanted the room locked up.

11 Q Let me back up a little bit. At the time
12 you left the White House counsel's office suite after
13 Mr. Nussbaum arrived and before you talked to
14 Mr. Pastor, there was some period of time in between
15 those two events; right?

16 A Yes.

17 Q And during that period of time, you did not
18 yet know that Mr. Foster was dead?

19 A Right.

20 Q At that point, was it your intention to
21 wait until Mr. Nussbaum and whoever else was in there
22 with him was gone or were gone and have the cleaning

1 crew go back in and finish cleaning?

2 A Yeah, sure.

3 Q Did you tell the cleaning crew that that
4 was your intention?

5 A Yeah, of course.

6 Q What exactly did you tell them?

7 A I told them we'll come back in a little
8 while.

9 Q Did you know what other areas on the second
10 floor or anywhere else the cleaning crew still had to
11 clean at that point?

12 A They had plenty more work, sure.

13 Q What did you say to the cleaning crew other
14 than we'll go back in later? Did you suggest they go
15 clean somewhere else first and then come back?

16 A No. I just escort them into the room. I
17 don't tell them where to go clean.

18 Q After you spoke with Mr. Pastor, you went
19 downstairs in the elevator; is that right?

20 A Correct.

21 Q Down to the ground floor?

22 A Correct.

1 Q Do you know where the cleaning women were
2 when you got into the elevator to go down to the
3 ground floor?

4 A No.

5 Q Do you know if they were on the second
6 floor still?

7 A No, I'm not sure.

8 Q At that point, had you already decided that
9 it didn't make sense for you to go back in and
10 clean -- and have the cleaning women go back in to
11 clean the office because you had already talked to
12 Mr. Pastor?

13 A No, I hadn't really thought about that
14 really at that moment.

15 Q At any point, did it occur to you that you
16 should get in contact with the cleaning crew, the two
17 women, and tell them not to go back into the White
18 House counsel's office suite?

19 A I may have done that. I can't remember.

20 Q It may have occurred to you or you may have
21 actually told them that?

22 A I may have -- I may have told them about

1 the suicide, the knowledge that I had of the
2 suicide. I just can't remember every single detail.

3 Q I assume --

4 A I do a lot of talking. I mean, it's like
5 the whole thing. It's just not -- I'm not just
6 walking out of the room and going down the elevator
7 and telling one guy one thing and going back up and
8 looking to see if they're there. It was other time
9 involved. It was other movement involved.

10 Q Do you know whether that two-person
11 cleaning crew had responsibilities other than in the
12 second floor of the west wing that night?

13 A It depends on their supervisor.

14 Q So you don't know?

15 A No, I don't.

16 Q Where were they when you first saw them
17 that night? Did you meet them at the White House
18 counsel's office suite or did you escort them from
19 somewhere else?

20 A No, I met them on the second floor.

21 Q How was that arranged? Did you just go up,
22 or did someone call down and say --

1 A No, it's arranged. My duty was to
2 escort -- generally, I started there at the second
3 floor. Then I went to the ground floor and did the
4 escorts that were done -- necessary to be done there
5 and then the first floor. It's a pattern we follow.

6 Q Just a couple more questions, actually,
7 about that first period of time that you were in the
8 White House counsel's office suite. When you heard
9 the women's voices coming out of Mr. Nussbaum's
10 office, did you also hear Mr. Nussbaum's voice at
11 all?

12 A No.

13 Q And did you hear one woman's voice or more
14 than one woman's voice?

15 A I think I only heard one.

16 Q Did you recognize the voices --

17 A No.

18 Q -- as belonging to any particular person?

19 A No, I didn't.

20 Q Can you describe what that voice sounded
21 like? Could you tell whether the person was happy,
22 sad, mad, upset?

1 A No, I couldn't at that time, no.

2 Q And you couldn't understand anything of
3 what the woman was saying?

4 A No, I couldn't understand her.

5 Q When you left the White House counsel's
6 office suite that first time right after you saw
7 Mr. Nussbaum enter, who you believed were inside were
8 Mr. Nussbaum and one woman; is that right?

9 A No. I didn't believe -- I didn't know how
10 many people were in there.

11 Q You knew you had seen Mr. Nussbaum and you
12 heard one woman's voice?

13 A Right.

14 Q And other than that, you didn't know?

15 A Right.

16 Q When was it that you dumped the burn bag in
17 Mr. Foster's office?

18 A I never did -- I never went in.

19 Q I realize I just misstated that. When was
20 it that you emptied the burn bag anywhere in the
21 White House counsel's office suite that night?

22 A I never did.

1 Q You never emptied any of the burn bags?

2 A No, sir.

3 Q And that is strictly your responsibility as
4 opposed to the cleaning crew's responsibility, is
5 that right, dumping burn bags?

6 A That's true, yes, sir.

7 Q And are you confident that neither of the
8 cleaning women ever dumped any of the burn bags in
9 the White House counsel's office suite on the night
10 of July 20th?

11 A Yes, sir.

12 Q And I think your testimony was a little bit
13 unclear to me earlier as to whether you had seen --
14 or whether you could remember whether you had seen
15 any of the cleaning crew taking any trash out of
16 Mr. Foster's office. Have you had a chance to think
17 about that at all? Do you have a sense of whether
18 you can remember that?

19 A Well, if you want me to go back, maybe I
20 did give a little thought. I remember how I answered
21 that. I said that I wasn't sure. I don't think they
22 did. I would still stay that way, but given the time

1 frame that we were in the office before the staff
2 came in, I don't think that they went into that
3 office and picked up anything.

4 Q Your recollection, I take it, is that
5 neither of the two cleaning women went into
6 Mr. Foster's individual office at any time that
7 night?

8 A That's right.

9 Q And Mr. Foster's trash would have been
10 inside his office as opposed to out in the reception
11 area; is that right?

12 A Yes.

13 Q Do you have any recollection yourself from
14 that night, July 20, 1993, of seeing a trash can in
15 Mr. Foster's individual office?

16 A No.

17 Q I believe you testified between the time
18 you spoke with Mr. Pastor in the hallway outside the
19 White House counsel's office suite and the time you
20 went down to the ground floor, you were approached by
21 a woman named Evelyn Lieberman; is that right?

22 A Correct.

1 Q Did you know who Ms. Lieberman was as of
2 that time on July 20, 1993?

3 A No.

4 Q Had you ever seen her before?

5 A No.

6 Q And what, to the best of your recollection,
7 was the entire conversation at that time between you
8 and Ms. Lieberman?

9 A To the best of my recollection, I just
10 remember she and I spoke about the room being
11 locked. She introduced herself to me.

12 Q Where did she come from? Did she come from
13 out of the White House counsel's office suite?

14 A Yeah.

15 Q She was by herself?

16 A Uh-huh.

17 Q And spoke with you in the hallway outside
18 the suite?

19 A Right.

20 Q Did you recognize her voice as the woman's
21 voice you had heard inside Mr. Nussbaum's office a
22 few minutes earlier?

- 1 A I wouldn't recognize her voice.
2 Q You didn't know whether it was the same
3 person or not?
4 A No, I did not.
5 Q And Ms. Lieberman, you say, introduced
6 herself to you?
7 A Yes.
8 Q By name?
9 A Uh-huh.
10 Q Did she also say who she was, in other
11 words, not only what her name was, but what she was
12 doing in the White House?
13 A She had a pass, White House pass, she
14 didn't state what she was doing, and I can honestly
15 state I didn't remember what her name was. I didn't
16 really pay attention.
17 Q And she told you that she wanted you to
18 lock up the White House counsel's office suite when
19 she and whoever else was in there was finished?
20 A Yes.
21 Q Did Ms. Lieberman indicate to you who else
22 was in the suite?
-

- 1 A Don't think so, no.
2 Q How long was that conversation?
3 A We went to the ground floor on the elevator
4 together, so it was a minute or so.
5 Q Where did Ms. Lieberman go after you and
6 she arrived on the ground floor together?
7 A Once you step off the elevator, there's a
8 desk where an officer sits -- another officer sits,
9 and she spoke with him about making sure that the
10 room was locked up, and that's all I think she
11 requested. And I think -- I stepped away from the --
12 I got on the telephone to call the watch commander's
13 office to tell them some information I ascertained of
14 Mr. Foster's death.
15 Q At the time that you first spoke with
16 Ms. Lieberman up on the second floor outside the
17 White House's office suite and the time you were
18 riding down in the elevator with her, were you able
19 to see whether she was carrying anything?
20 A Huh-uh.
21 Q You weren't able to see if --
22 A I don't recall if she was. No, I don't

1 recall if she was carrying anything.

2 Q You don't remember seeing Ms. Lieberman
3 carrying anything at that time, do you?

4 A No, sir.

5 Q Do you know whether she was carrying a
6 purse?

7 A I don't recall if she was or not. I seem
8 to think that she wasn't carrying anything.

9 Q Do you have any recollection of what
10 Ms. Lieberman was wearing that night?

11 A At this point in time? Under former
12 testimony, I think I described what I remember her
13 wearing.

14 Q What can you remember about that?

15 A I think it was a dress that was like a
16 cotton sack-type dress, not a formal dress, less
17 formal, summer weight-type. It was lightweight,
18 light in color.

19 Q Did Ms. Lieberman appear to be upset to
20 you?

21 A No.

22 Q She wasn't crying?

1 A No.

2 Q Now, you testified that some period of time
3 passed after you got down to the ground floor. I
4 think you said you went to the main floor and went
5 past the chief of staff's office and perhaps went to
6 some other places on that floor and then you went
7 back up to the second floor of the west wing; is that
8 right?

9 A That's right.

10 Q And the reason you went back up to the
11 second floor of the west wing was to check to see if
12 anyone was still in the White House counsel's office
13 suite?

14 A Yes, sir.

15 Q When you entered the suite, did you see
16 anyone in the reception area this second time?

17 A No.

18 Q Was Mr. Nussbaum's door open or closed?

19 A As far as I remember, it was open.

20 Q Could you see into Mr. Nussbaum's office?

21 A If I looked in there, yes.

22 Q Did you look in?

- 1 A No.
- 2 Q So you don't know whether anyone was in
3 Mr. Nussbaum's office at that time?
- 4 A No, I don't.
- 5 Q The first place you went, then, was the
6 doorway to Mr. Foster's individual office?
- 7 A Exactly.
- 8 Q Why was that the first place you went?
- 9 A I don't remember why.
- 10 Q Did you actually go into Mr. Foster's
11 office?
- 12 A No, right in the doorway.
- 13 Q And that's when you saw the person you now
14 know to be Ms. Patsy Thomasson?
- 15 A Yes.
- 16 Q At the time, you didn't know who that
17 person was?
- 18 A Right.
- 19 Q How long were you standing at the doorway
20 to Mr. Foster's office before you left at that time?
- 21 A One second.
- 22 Q You just walked in, saw that someone was

- 1 sitting there and left?
- 2 A I didn't really walk in. I walked inside
3 the door jamb and as I walked, I stopped and --
4 instead of entering the room, I stopped and retreated
5 and my eyesight caught a woman sitting at a desk --
6 at the desk in the office looking at the top of the
7 desk with her head down and what I observed to be
8 looking for something or looking at something and I
9 thought it was the wife of the individual.
- 10 Q Who had died?
- 11 A Yeah.
- 12 Q When you say that the woman's head was
13 down, do you mean --
- 14 A Just like I am right now, just looking
15 down.
- 16 Q You don't mean that her head was on the
17 desk?
- 18 A No, no, looking down.
- 19 Q And you don't think this woman, who you now
20 know to be Ms. Thomasson, even saw you?
- 21 A No, I don't think she did.
- 22 Q When you we want back up to the White House

1 counsel's office that second time, did you see either
2 of the cleaning women on the second floor of the west
3 wing?

4 A No, sir.

5 Q Did you ever see either of those two
6 cleaning women anywhere in the White House complex
7 again that night?

8 A Yes.

9 Q Where it was that?

10 A Many places in the west wing. They have
11 free access to the west wing. They have White House
12 passes. They don't have to be escorted everywhere
13 they go, just into rooms that are secured.

14 Q Do you have a specific recollection of
15 having seen the two cleaning women --

16 A Sure.

17 Q -- other than on the second floor of the
18 west wing that night, or are you assuming that they
19 did because they have free access?

20 A No, I don't have any -- what was it you
21 said? Specific recollection, no.

22 Q But your recollection is that when you went

1 up to the White House counsel's office the second
2 time, the time that you went in and saw Ms. Thomasson
3 sitting behind Mr. Foster's desk, that you did not
4 see --

5 A I do not recall if they were there.

6 Q You do not recall seeing the cleaning women
7 on the second floor at that time; right?

8 A Actually, I think I spoke with them, yes.

9 Q You think you did speak with the cleaning
10 women at that time?

11 A One of them, at least.

12 Q Which one?

13 A Probably Diane.

14 Q What's her last name?

15 A Walters.

16 Q Where did that conversation take place?

17 A I don't recall. I don't remember.

18 Q Was it on the second floor of the west
19 wing?

20 A Yeah, it was on the second floor.

21 Q I assume it was outside the White House
22 counsel's office suite?

1 A Or in the vicinity. I may have went to
2 look for her in another office. I can't remember.

3 Q Do you remember speaking with her inside
4 the White House counsel's office suite or somewhere
5 else?

6 A No, it was not there. She was not in the
7 office.

8 Q So it was definitely somewhere other than
9 in the White House counsel's office suite?

10 A Right.

11 Q What do you remember about that
12 conversation?

13 A I need to be hypnotized. I can't remember.

14 Q If you don't remember, just say you don't
15 remember anything.

16 A I can't even remember if I talked to her.
17 I'm just trying -- I'm trying to remember if I did,
18 because at some point I told -- I remember telling
19 them about the information, again, that Mr. Foster
20 was dead.

21 Q You told the cleaning woman that?

22 A Yeah, because when I knew that, then I

1 realized we wouldn't go back in the office and then
2 they would need to know why we didn't go back in the
3 office because they were supposed to clean that. So
4 when they tell their supervisors they didn't clean
5 the office, the reason is because I said that we
6 weren't going to go back in there because of the
7 reason was -- what the reason was.

8 Q Because Mr. Foster had died?

9 A Right.

10 Q And you thought you should stay out of the
11 area?

12 A Exactly. I wasn't given any formal
13 instructions to close the room off or anything by
14 anybody except, I mean, that woman, the woman.

15 Q Ms. Lieberman?

16 A Right.

17 Q She asked you to lock up the office?

18 A Yeah. I was going to lock the room anyway.

19 Q You were going to lock the room anyway?

20 A Right.

21 Q And set the alarm?

22 A Of course, and not have the cleaning people

1 go in there. Excuse me, I'm sorry. I'm getting a
2 little tired.

3 Q Do you want to take a break?

4 A No. I've been up for 12 hours. I'm just
5 really tired. That's all.

6 Q After that second time you went into the
7 White House counsel's office, the time you saw
8 Ms. Thomasson sitting at Mr. Foster's desk, you left
9 the White House counsel's office suite again and went
10 back to the ground floor; is that right?

11 A Yes.

12 Q And it was during that trip to the ground
13 floor that you saw Ms. Thomasson standing in the
14 doorway of Mr. Watkins's office crying; is that
15 right?

16 A It was sometime after that, yes.

17 Q But it was during that visit of yours to
18 the ground floor of the west wing that you saw
19 Ms. Thomasson at the doorway of Mr. Watkins's office?

20 A Yeah -- well, that's what I told you, but
21 it could have been after the doors were locked, too.
22 It could have been after the hour. It was a short

1 time.

2 Q Let me just see if I can -- tell me if this
3 is right. What you're saying is you know at some
4 point that night you saw Ms. Thomasson standing in
5 the doorway to Mr. Watkins's office crying. You're
6 just not sure whether it was before or after the
7 White House counsel's office suite was locked up for
8 good; is that right?

9 A Yes.

10 (Pause.)

11 BY MR. KRAVITZ:

12 Q I think right before the court reporter
13 messenger came in, you were about to say something
14 and I cut you off because the court reporter was --

15 A I can't remember.

16 Q There then was a third time that you went
17 up to the White House counsel's office suite,
18 correct, that night?

19 A Yes.

20 Q That's after you had seen Ms. Thomasson
21 standing -- strike that.

22 This was after you had gone back down to

1 the ground floor for the second time you went back up
2 to the White House counsel's office suite; correct?

3 A Oh, I remember now. I had locked up the
4 room and came to the first floor and that's when I
5 saw the woman standing in the doorway of
6 Mr. Watkins's office, that I had seen up in the chief
7 counsel's office, Mr. Foster's office.

8 Q The woman you now know to be Patsy
9 Thomasson?

10 A Yes. So it was after 23:40.

11 Q Just so the record is clear, your memory
12 now is that it was sometime after 11:40 p.m. on July
13 20, 1993 that on the ground floor of the west wing
14 you saw Ms. Thomasson standing in the doorway to
15 Mr. Watkins's office?

16 A Yes.

17 Q Is it still true that -- let's go back a
18 little bit. It's still true that you initially
19 entered the White House counsel's office suite at
20 about 10:42 that night; correct?

21 A Yes.

22 Q And then you were in that suite for

1 somewhere between five and 10 minutes; correct?

2 A Yes.

3 Q And you left and had your conversation with
4 Mr. Pastor?

5 A Yes, sir. And then Ms. Lieberman, and went
6 to the ground floor and went to the first floor and
7 walked around a little bit, then went back up to the
8 counsel's office.

9 Q That second time you go to the counsel's
10 office, that's the time you see Ms. Thomasson sitting
11 behind Mr. Foster's desk?

12 A Yes.

13 Q What's your best estimate as to what time
14 that was?

15 A I'd say it was 20 minutes after I initially
16 opened the room. That's my best estimate.

17 Q If you initially opened the room at 10:42,
18 your best estimate would be a few minutes after 11:00
19 that you went back upstairs and saw Ms. Thomasson
20 sitting behind --

21 A That would be a good estimate.

22 Q It's your best recollection that it was a

1 few minutes after 11:00 that you went back upstairs,
2 entered the White House counsel's office suite for
3 the second time and saw Ms. Thomasson sitting behind
4 Vincent Foster's desk or sitting at Vincent Foster's
5 desk?

6 A That's correct.

7 Q And then you went back downstairs again and
8 then subsequently went up a third time toward the
9 White House counsel's office suite; is that correct?

10 A I'm sorry, repeat it.

11 Q After you saw Ms. Thomasson sitting at
12 Mr. Foster's desk, you left immediately; correct?

13 A Yes.

14 Q And you went back down to the ground
15 floor -- now you're not sure you went to the ground
16 floor at that point?

17 A Right.

18 Q Do you know -- where do you think you went
19 at that point?

20 A I just was not in the area -- I just was
21 not in the area. I was somewhere else.

22 Q You weren't in the area of the White House

1 counsel's office suite?

2 A No.

3 Q It was about 35 or 40 minutes later that
4 you ultimately closed up the White House counsel's
5 office suite; is that correct? I think it was 11:41
6 according to the log?

7 A That's correct.

8 Q Do you have any recollection of where you
9 were between 11:00 when you saw Ms. Thomasson sitting
10 behind Vincent Foster's desk and 11:41 when you
11 locked up and set the alarm for the White House
12 counsel's office suite?

13 A See, this is all -- time is relative now to
14 this. I could have went from the second floor to the
15 ground floor originally with --

16 Q Ms. Lieberman?

17 A Yeah, closer to 11:00 and then made rounds
18 to the other post and then made my walk to the second
19 floor again to see if the room was occupied still and
20 saw the person in the room -- in Mr. Foster's room
21 maybe sometime later than 11:00 or maybe it was 11:10
22 or so or 11:15.

1 Q You're just not sure exactly what time that
2 was?

3 A Right. I'm not sure of where -- of the
4 times that I -- where I was during the times that I
5 don't remember specifically where I was. I was in
6 the west wing. Perhaps I was somewhere taking a
7 coffee break or something. I'm not sure.

8 Q When you went up the third time, as you
9 approached the White House counsel's office, did you
10 see anyone in the hallway on the second floor of the
11 west wing?

12 A No.

13 Q Were either of the two cleaning women in
14 your sight?

15 A Not that I can recall.

16 Q Did you look for them at that time?

17 A I don't recall.

18 Q Where was Evelyn Lieberman when you first
19 saw her that third time you had gone up to the White
20 House counsel's office suite? Was she inside the
21 suite or in the hallway outside the suite?

22 A At that time I had seen her move from

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1 around the doorway into the hallway.

2 Q The doorway to the suite?

3 A I can't remember.

4 Q Now, this was what, sometime after
5 11:30 p.m. on July 20th?

6 A I think so.

7 Q And the reason you think so is that the log
8 indicates that you ended up locking up the room at
9 11:41?

10 A Yeah, exactly.

11 Q And your testimony is that at this point,
12 the third time you had gone up to the White House
13 counsel's office suite that night, Ms. Lieberman
14 asked you again or told you again that she wanted the
15 office locked up when they were finished?

16 A Yes, sir.

17 Q When you were speaking with Ms. Lieberman,
18 did you know whether anyone else was still in the
19 White House counsel's office suite?

20 A Not really. I didn't know.

21 Q You didn't see anyone in there at that
22 time?

- 1 A No.
- 2 Q You were outside the suite when you were
- 3 talking to Ms. Lieberman?
- 4 A Yeah, outside, down away from the door, the
- 5 main entrance.
- 6 Q So Ms. Lieberman was in the hallway as
- 7 well?
- 8 A She was in the hallway, yes.
- 9 Q Was she holding anything at that time?
- 10 A I can't recall.
- 11 Q You don't remember her holding any folders
- 12 or files or anything like that?
- 13 A No, I don't think she was holding any
- 14 folders or files.
- 15 Q Did Ms. Lieberman go back into the office
- 16 after you had that little conversation with her
- 17 sometime after 11:30 or did she stay out in the
- 18 hallway with you?
- 19 A She walked back in.
- 20 Q How long was she back in the office?
- 21 A Just a few seconds.
- 22 Q And then she came back out?

- 1 A Yes.
- 2 Q Was Ms. Lieberman alone or with someone
- 3 else when she came back out of the office?
- 4 A When she walked out, another person walked
- 5 out behind her.
- 6 Q Who is that?
- 7 A Maggie Williams.
- 8 Q Did you know who Maggie Williams was at
- 9 that time?
- 10 A Yes.
- 11 Q You knew her by name?
- 12 A Yes.
- 13 Q And by sight?
- 14 A Yes.
- 15 Q Had you met Maggie Williams before?
- 16 A Had I met her personally?
- 17 Q Right.
- 18 A No.
- 19 Q Had you ever been in Maggie Williams's
- 20 office before that time on July 20, 1993?
- 21 A I don't think so. I may have been in there
- 22 not knowing it was her office. I wasn't sure where

1 her office was. I had heard her name many times and
2 finally I saw her and it was brought to my attention
3 that that was Maggie Williams.

4 Q What was Maggie Williams wearing when you
5 saw her sometime after 11:30 p.m. on July 20, 1993?

6 A I don't recall.

7 Q No recollection of anything she was
8 wearing?

9 A I don't recall.

10 Q You can't remember if she was wearing a
11 suit or pants or a dress or anything like that?

12 A She may have been wearing shorts.

13 Q Is it your testimony that you think she was
14 wearing shorts or you really don't remember? I don't
15 want to put words in your mouth.

16 A You sort of joggled my memory. You guys
17 don't know how hard this is, man. I've been through
18 this so many times. It's just hard. I really -- I
19 honestly wouldn't want to say what she was wearing.

20 Q Is it fair to say you don't remember what
21 Maggie Williams was wearing?

22 A Yeah, basically yes.

1 Q You testified earlier that when Maggie
2 Williams came out of the White House counsel's office
3 suite, Ms. Lieberman introduced Ms. Williams to you?

4 A Yes.

5 Q Can you tell us exactly how that happened?
6 What exactly happened?

7 A She walked out with her arms down in front
8 of her with the files and everything like that. The
9 lady that was standing by the door opened her mouth
10 and said that's Maggie Williams, the First Lady's
11 secretary.

12 Q She said all that, that's Maggie Williams,
13 the First Lady's secretary?

14 A Right.

15 Q Did you say anything in response?

16 A No.

17 Q Did the fact that Ms. Lieberman told you
18 who Maggie Williams was affect what you did in any
19 way?

20 A In regards to what?

21 Q Just in regards to anything.

22 A Not really.

- 1 Q Did Maggie Williams say hello to you?
2 A She looked at me and smiled.
3 Q Did she stop as she was walking?
4 A No, sir.
5 Q Did Ms. Williams appear to make any attempt
6 to hide from you what it was that she was holding?
7 A Not really, no.
8 Q What do you mean by "not really"?
9 A I mean no, I don't think she did.
10 Q Was there anything suspicious or anything
11 you thought was suspicious about the way Maggie
12 Williams was acting as she walked from the White
13 House counsel's office suite to her own office down
14 the hall?
15 A None.
16 Q You told us before that the files you say
17 you saw Maggie Williams carrying were about 3 to 5
18 inches tall; is that correct?
19 A Yeah, that's what I recall.
20 Q Do you remember how large they were in
21 terms -- were they legal sized? Were they regular
22 8-1/2-by-11 size? Do you have any recollection of
-

- 1 that?
2 A My best recollection is they were regular
3 sized folders -- they were legal-type folders about
4 that size.
5 Q Just so the record is clear, you're
6 pointing at this 8-1/2-by-14-inch file folder?
7 A Yes.
8 Q I think you testified before, you didn't
9 remember what color any of these folders were; is
10 that right?
11 A That is correct.
12 Q And I also think you testified you couldn't
13 tell or you didn't see if there were any documents in
14 any of the folders?
15 A I couldn't tell whether there were
16 documents or not.
17 Q How carefully did you look at what
18 Ms. Williams was carrying?
19 A Not very carefully. What do you mean by
20 "careful"?
21 Q Were you interested in what it was she was
22 carrying?

1 A Not at all.

2 Q You just glanced at what she was carrying?

3 A Exactly. In fact, she may have even been
4 carrying a box. I can't remember. She had her hands
5 down in front of her. I remember that, and she was
6 carrying something in front of her. I think I
7 remember folders as I saw her approach in my
8 direction, and it was like folders. But I can't
9 remember if there was a box on top of them, like a
10 cardboard box that is used for files also. I can't
11 remember that.

12 Q Do you have some picture in your mind of a
13 box?

14 A Kind of like, yeah.

15 Q How big is that box in the picture in your
16 mind?

17 A Like a hat box, a small hat box. I don't
18 know.

19 Q Was the box open?

20 A No. I said files originally. I said 3 to
21 5 inches, and it seemed -- I mean, I know that it was
22 a bundle. I told you that. It was something that

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1 was of some weight. That's basically how I would
2 like to continue to state it. I don't want to try to
3 dream up a box. This is getting confusing now
4 because I can't remember if I saw her -- I know I
5 remember seeing her carry something in her arms.

6 Q That looked heavy?

7 A Yeah.

8 Q You're not sure whether it was folders or a
9 box or maybe both?

10 A Right.

11 Q Is it possible that there were folders
12 inside of a box?

13 A I can't remember:

14 Q Do you want to take a break?

15 A Yeah.

16 MR. KRAVITZ: Let's take a break.

17 (Recess.)

18 BY MR. KRAVITZ:

19 Q Mr. O'Neill, at any point on the night of
20 July 20, 1993, did you ever see Maggie Williams enter
21 the White House counsel's office suite?

22 A Not that I recall.

1 Q So do you know whether whatever it was that
2 you saw her carrying out of the White House counsel's
3 office suite, whether it was a folder or box or both,
4 do you know where that stuff came from?

5 A No, sir.

6 Q For all you know, Maggie Williams took into
7 the White House counsel's office suite exactly what
8 she brought out?

9 A No, I don't know.

10 Q As far as you know, that could be the case?

11 A As far as I know, I don't know.

12 Q You don't know where those things came
13 from?

14 A That's true.

15 Q All you know is that you saw her carrying
16 them out of the White House counsel's office?

17 A Right.

18 Q Is that right?

19 A Yes, sir.

20 Q Now, you testified earlier that after
21 Maggie Williams came out of the White House counsel's
22 office, she then walked down the hallway and went

1 into her own office; correct?

2 A Yes, sir.

3 Q And then a very short time later came back
4 out of her own office; right?

5 A Immediately, sir.

6 Q Where did Maggie Williams go after she left
7 her office?

8 A As far as I remember, she got on the
9 elevator.

10 Q The elevator right next to the front door
11 of the White House counsel's office suite?

12 A Yes, sir.

13 Q So did Maggie Williams come back, walk
14 right back past you?

15 A Yes, sir.

16 Q Did you speak with her at that time?

17 A Not that I recall.

18 Q Where was Ms. Lieberman at that point?

19 A Standing at the same -- at the doorway in
20 the hallway.

21 Q So --

22 A Outside the counsel's office.

1 Q Was there any conversation between Maggie
2 Williams and Evelyn Lieberman that you witnessed at
3 that time?

4 A Not that I recall.

5 Q Did Ms. Lieberman and Ms. Williams then get
6 on the elevator together?

7 A Yes.

8 Q You were still out in the hallway when that
9 happened?

10 A I had just completed locking the door when
11 they stepped on the elevator.

12 Q Explain how that could be. If you watched
13 Maggie Williams walk down the hall to her office,
14 watched her fumble with these things she was holding
15 as she was unlocking her office, she went into her
16 office, came out immediately and walked back to where
17 you were, how could you have already locked the
18 office and walked inside to turn the alarm switch on?

19 A No. I said as she stepped on the
20 elevator. They have to wait -- she had to wait for
21 the elevator. In the meantime I went in and locked
22 the doors, flipped the light switch down, came out

180

1 and locked the door.

2 Q Your testimony is that you remained outside
3 the White House counsel's office suite the whole time
4 that Maggie Williams walked down the hall to her
5 office, went inside her office, came back from her
6 office and walked back to the area right in front of
7 the White House counsel's office suite?

8 A Yes.

9 Q And while Ms. Williams and Ms. Lieberman
10 were waiting for the elevator, you went in and locked
11 up the White House counsel's office suite?

12 A Yes, sir.

13 Q Did that entail some kind of radio or
14 telephone contact between you and the control center?

15 A Once I locked the door, it did.

16 Q So you went inside, put the switch back up,
17 came back out, locked the door and then called down
18 to the control center?

19 A Yes, sir.

20 Q How long did that process take?

21 A 10 seconds.

22 Q When you went back into Vincent Foster's

1 office to put the alarm back on, this would have been
2 right at 11:41 p.m.

3 A Yes.

4 Q Did anything in that office look different
5 to you than the office looked at 10:42 p.m. when you
6 first went in and turned the alarm off?

7 A No.

8 Q As far as you could tell, the office looked
9 exactly the same at 10:42 p.m. and at 11:41 p.m.; is
10 that right?

11 A That's right.

12 Q You testified earlier -- I'm sorry to do
13 this out of order, but it just popped into my mind.
14 You testified earlier when you went down to the
15 ground floor after your first trip up to the White
16 House counsel's office, you informed a Secret Service
17 guard of the fact that you had just learned that
18 Mr. Foster was dead. Do you remember that testimony?

19 A Yes.

20 Q Do you know what the name of that
21 Secret Service guard is?

22 A Yes.

1 Q What's his or her name?

2 A Shea.

3 Q Is that the last name?

4 A Yes, S-h-e-a.

5 Q Is that a man or a woman?

6 A Man. His name is James.

7 Q James Shea?

8 A Yes.

9 Q Is he with the uniformed division?

10 A Yes.

11 Q Is Officer Shea the same guard who Evelyn
12 Lieberman asked to have the White House counsel's
13 office suite locked up?

14 A Yes.

15 Q Is he the same guard that you called at
16 11:41 p.m. to say you were turning your alarm back
17 on?

18 A No.

19 Q That was in the control center?

20 A Yes.

21 Q What's the name of the guard you spoke with
22 outside the Oval Office that you referred to

- 1 earlier? Do you remember that name?
- 2 A I think it was Anthony Debellis.
- 3 Q Do you know how to spell Officer Debellis's
- 4 last name?
- 5 A I think it's spelled D-e-b-e-l-l-i-s.
- 6 Q Is he also uniformed division?
- 7 A Yes.
- 8 Q Do you know whether you were on the second
- 9 floor of the west wing of the White House at any time
- 10 between 8:00 p.m. and 9:15 p.m. on the night of July
- 11 20, 1993?
- 12 A I can't recall.
- 13 Q Were you in the White House counsel's suite
- 14 at any time during that time period, 8:00 p.m. to
- 15 9:15 p.m. on that night?
- 16 A Don't recall.
- 17 Q Would you have had any reason to be in the
- 18 White House counsel's office suite other than to
- 19 escort the cleaning crew later that night?
- 20 A No, only to lock the doors.
- 21 Q As you've already testified?
- 22 A Yes, sir.

- 1 Q I think Mr. Johnson asked you whether you
- 2 had ever been interviewed about your observations on
- 3 the evening of July 20, 1993 by anyone other than the
- 4 Independent Counsel's office or someone working for
- 5 the Independent Counsel's office, and your answer was
- 6 no. Was that accurate?
- 7 A That's accurate.
- 8 Q You've testified a couple of times today
- 9 that you've been through this so many times that it's
- 10 hard to talk about it.
- 11 A Right.
- 12 Q Are all of those times that you've been
- 13 through this related to the Independent Counsel's
- 14 investigation?
- 15 A Uh-huh.
- 16 Q How many times have you been interviewed by
- 17 the Independent Counsel's office or people working
- 18 for them? And let me preface my question by saying I
- 19 don't think you should tell us what you've told the
- 20 Independent Counsel's office. We're really
- 21 interested in how many times they've interviewed
- 22 you.

1 A I think it's about five, plus the grand
2 jury.

3 Q When was the first time you were
4 interviewed by someone representing the Independent
5 Counsel's office?

6 A It was April of '94.

7 Q Were you interviewed by the FBI?

8 A That's correct.

9 Q And then how many times since then have you
10 been interviewed by the FBI specifically?

11 A I told you.

12 Q Five times?

13 A I think it was about five.

14 Q And how many times have you testified in
15 the grand jury?

16 A Once.

17 Q When was that?

18 A That was a couple weeks ago.

19 Q Sometime in June 1995?

20 A Yes.

21 Q Do you know how it is that you came to be
22 interviewed by the FBI in April of 1994?

1 A As a result of being on duty that evening
2 and being one of the officers that had contact with
3 Mr. Foster's office, as far as I know.

4 Q Had you told anyone between July 20, 1993
5 and April 1994 what you had observed or what you said
6 you had observed that night?

7 A No.

8 Q You hadn't told your wife?

9 A No.

10 Q Had you told any other officers in the
11 Secret Service?

12 A No.

13 Q Any friends?

14 A Nobody.

15 Q Can you tell us why it is you wouldn't have
16 told anybody that until April of 1994?

17 A I didn't see it would be of any
18 significance.

19 Q You testified earlier that at some point
20 you read some articles relating to what it is you say
21 you observed on the night of July 20, 1993; is that
22 right?

1 A That's correct.

2 Q Where did you see those articles?

3 A Local newspapers.

4 Q Do you remember which newspaper or
5 newspapers?

6 A No.

7 Q Was it The Washington Post?

8 A It was The Post, The Times -- The Post and
9 The Times.

10 Q Do you have a newspaper that you regularly
11 read?

12 A I regularly read The Times and The Post and
13 the USA Today.

14 Q When was it that you first read any
15 newspaper articles relating to the issue of whether
16 anyone had removed materials from the White House
17 counsel's office suite on the night of Mr. Foster's
18 death?

19 A I can't recall exactly, but I think it was
20 July.

21 Q Of what year?

22 A '94.

1 Q So it was after the time that you were
2 first interviewed by the FBI?

3 A Yes, it was.

4 Q Since the time that you were first
5 interviewed by the FBI about this matter, have you
6 talked to anyone about your observations other than
7 your lawyers and other than the Independent Counsel's
8 office and their staff?

9 A No.

10 Q You still haven't talked to your wife about
11 it?

12 A Oh, yeah, I talked to my wife.

13 Q Who else?

14 A That's it.

15 Q That's it?

16 A What are you talking about specifically?

17 Q Have you talked to other friends or
18 relatives, other people you work with?

19 A About seeing Maggie Williams carry folders
20 out?

21 Q Right.

22 A Nobody.

- 1 Q And you're sure that it was a burn bag and
2 not regular trash that you were directed to give to
3 Sylvia Matthews down in the chief of staff's office
4 that night?
- 5 A Yes, it was a burn bag.
- 6 Q You're positive of that?
- 7 A Positive.
- 8 Q When you got the burn bag back from Sylvia
9 Matthews that night, did it still have anything in
10 it?
- 11 A Oh, yeah.
- 12 Q Did it appear to have as much stuff in it
13 as when you gave it to Sylvia Matthews?
- 14 A Yeah, it appeared the same.
- 15 Q So you don't think that anybody removed
16 anything from the burn bag that you gave to Sylvia
17 Matthews for some period of time?
- 18 A I don't know if I am completely aware of
19 your question here. I don't know if anyone pulled
20 anything out of there, took anything out.
- 21 Q It looked the same to you as it had when
22 you gave it to her?
-

- 1 A Yes, it did.
- 2 Q How big is that burn bag?
- 3 A It's a large brown bag about that tall.
- 4 Q About 4 or 5 feet tall?
- 5 A About 4 feet tall.
- 6 Q When you went to the chief of staff's
7 office first to deliver and then to pick up the burn
8 bag from Sylvia Matthews, could you tell what the
9 general attitude was of the people in the chief of
10 staff's office?
- 11 A No, I could not.
- 12 Q How was Sylvia Matthews acting that night?
- 13 A She wasn't acting any way out of the
14 ordinary to me.
- 15 Q What time were you on duty until on the
16 morning of July 21, 1993?
- 17 A Until 7:00.
- 18 Q Do you know what your hours were on July 20
19 and 21, 1993 because you remember, or have you seen
20 your time cards at any point? How do you know you
21 worked from 6:30 p.m. on the 20th until 7:00 a.m. on
22 the 21st?

1 A I checked.

2 Q When did you do that?

3 A Last year sometime.

4 Q Before you went and testified in the grand
5 jury?

6 A No, it was much earlier than that. It was
7 when I was being interviewed earlier because I wanted
8 to find out if I had worked a regular eight-hour
9 shift or 12-hour shift.

10 Q Do you know whether you were -- actually,
11 strike that.

12 In the time period 4:00 a.m. to 7:00 a.m.
13 on July 21, 1993, were you up on the second floor of
14 the west wing for any reason?

15 A Not that I recall.

16 Q Were you down in the basement, or I guess
17 the ground floor of the west wing at any time during
18 that time period?

19 A Yes.

20 Q What were you doing, just as a general
21 matter? Do you remember what you were doing?

22 A Between 4:00 and 7:00?

1 Q Yes, during the last three hours of your
2 shift.

3 A I might have been talking to Shea on post
4 or talking to whoever was the relief officer who
5 relieves him for a break. I don't know.

6 Q Were you still escorting cleaning crews?

7 A Usually finish up about a little after 4:00
8 on the first floor.

9 Q You usually finish up escorting the
10 cleaning crews a little after 4:00 a.m.?

11 A Yeah.

12 Q And is the first floor the last floor for
13 the cleaning crews?

14 A Uh-huh.

15 Q If you were asked this before, I
16 apologize. Do you know who Craig Livingstone is?

17 A I just know his name. I wouldn't really be
18 able to identify him unless I saw his picture. I've
19 seen his picture, but I can't remember seeing him
20 that often enough to remember.

21 Q You didn't know who Mr. Livingstone was on
22 July 20 or 21, 1993?

1 A No, sir.

2 Q Did you see anyone during the morning part
3 of your shift, that is the morning of July 21, 1993
4 walking anywhere in the west wing with a box,
5 carrying a box?

6 A Not that I recall.

7 Q Did you see anyone outside the White House,
8 just anywhere on the White House complex grounds
9 carrying a box on the morning of July 21, 1993?

10 A Not that I recall.

11 Q Do you know an officer, Secret Service
12 uniformed division officer named Bruce Abbott?

13 A Yes.

14 Q Did you see Officer Abbott at any time
15 during your shift, July 20, July 21, 1993?

16 A Not that I recall.

17 Q Do you know whether he was working at any
18 time during your shift?

19 A I wouldn't know. He's not a normal member
20 of that shift.

21 Q What was his regular shift back then, do
22 you know?

1 A Back then, he may have been K-9 officer.
2 I'm not sure. He was assigned to our K-9 section.

3 Q Have you ever spoken with Officer Abbott
4 about any observations he may have made on the
5 morning of July 20, 1993?

6 A I don't recall.

7 Q Have you ever spoken to any news reporters
8 about what you say you observed on the night of July
9 20, 1993?

10 A No, sir.

11 MR. KRAVITZ: I think we're done.

12 MR. GIUFFRA: I just have a couple
13 questions.

14 MR. KRAVITZ: I think the rules are one per
15 side, Bob.

16 MR. GIUFFRA: Is that right?

17 MR. KRAVITZ: That's what they've always
18 been.

19 MR. GIUFFRA: That's not what they've been
20 in my depositions.

21 MR. KRAVITZ: Really?

22 MR. GIUFFRA: Honest.

1 MR. KRAVITZ: I don't really care if you
2 don't care.

3 MR. GIUFFRA: Just a couple of questions.

4 EXAMINATION

5 BY MR. GIUFFRA:

6 Q Did you say you saw David Watkins on the
7 night of the 20th of July?

8 A Pardon me?

9 Q Did you see David Watkins on the night of
10 the 20th?

11 A Can I ask you something?

12 (Witness conferred with counsel.)

13 BY MR. GIUFFRA:

14 Q My name is Robert Giuffra, G-i-u-f-f-r-a,
15 I'm chief attorney representing the Majority here in
16 connection with this inquiry.

17 A Your question?

18 Q My question was on July 20th, which is the
19 night in question, did you see David Watkins that
20 night?

21 A No.

22 Q Did not see him at all?

1 A No, sir.

2 Q Did anyone ever say anything to you about
3 sealing Mr. Foster's office?

4 A No, sir.

5 Q This is just with regard to timing. Were
6 you first interviewed by the FBI in '94 or '95?

7 A April '94.

8 MR. GIUFFRA: That's it.

9 MR. KRAVITZ: Actually just one follow-up
10 question on that.

11 EXAMINATION

12 BY MR. KRAVITZ:

13 Q You said you were interviewed by the FBI
14 five times between April of '94 and today. Do you
15 remember when those times were?

16 A Okay. April, I think twice in April.

17 Q Of '94?

18 A Yes, and then May --

19 Q Of '94?

20 A Yes. And then June --

21 Q Of '94?

22 A Yes. And I think it was -- well, maybe I

1 got one month mixed up, but I know the final time was
2 like, I think, September or something like that.

3 Q Of '94?

4 A Yeah.

5 Q And then nine months later you were called
6 into the grand jury?

7 A Yes.

8 Q Did you talk to the FBI again before your
9 grand jury appearance?

10 A No.

11 MR. KRAVITZ: I think we're done. Thank
12 you very much. Sorry to keep you here so long.

13 (Whereupon, at 4:50 p.m., the deposition
14 was concluded.)

15
16 -----
17 HENRY P. O'NEILL
18
19
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21
22

CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

**DEPOSITION OF DEBORAH L. GORHAM
IN RE: S. RES. 120**

MONDAY, JUNE 26, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of DEBORAH L. GORHAM, called for examination pursuant to notice of deposition, at 9:55 a.m. in Room 640-A of the Hart Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
NEAL E. KRAVITZ, Esq.
Minority Principal Deputy Special Counsel
GLENN F. IVEY, Esq.
Minority Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

DAVID E. MILLS, Esq.
SCOTT DAILARD, Esq.
Dow, Lohnes & Albertson
1255 Twenty-Third Street, NW
Washington, DC 20037
On behalf of the Deponent.

ALSO PRESENT: VINCENZO A. DELEO

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PROCEEDINGS

Whereupon,

DEBORAH L. GORHAM

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. JOHNSON:

Q Good morning, Ms. Gorham.

A Good morning.

Q We've had an opportunity to meet hurriedly off the record. Let me take a moment and tell you more formally who I am. My name is Everett Johnson and I'm one of the attorneys working on the majority staff of the Senate Special Committee investigating Whitewater and related matters. And what brings us here this morning is Senate Resolution Number 120 which constitutes the committee and directs an investigation into certain areas of inquiry.

In particular, the thing that we'd like to talk with you about this morning falls generally within the topic of the handling of the documents in Mr. Foster's office at or around the time of his

4

death in July of 1993. I'll ask you a series of questions and when I'm finished, Mr. Kravitz will ask you also some questions. Thank you for your patience already this morning.

Have you ever had your deposition taken previously?

A I have.

Q Let me spend just a second or two on the procedures this morning, even though it may be that you're very familiar with them. Ms. Baker is our shorthand reporter, and she'll make a transcription of the questions that we ask and the answers that you give and in order for her to do that, it's important that we do a couple of things.

One of them is we try not to speak simultaneously. It's useful if you'll allow the question to be completed before you answer, even though you may know what the question is.

The other thing we need to do is to be sure and communicate verbally. She is unable to record body languages or gestures, so if you can just try and focus on using words instead of nods or gestures,

1 that's useful to her as well.

2 I will try and make the questions I ask
3 this morning just as clear as I possibly can. I'll
4 sometimes fail at that. If there's ever a time when
5 you don't understand what I've asked you, please feel
6 free to say so, and we'll work the question around to
7 something that does make sense to you.

8 A All right.

9 Q If you need to consult with your attorneys
10 at any time, feel free to do that and if you need to
11 take a break at any time, say so and we'll do that at
12 any time. Everything clear so far?

13 A It is.

14 Q In preparing to testify here today,
15 Ms. Gorham, did you meet with anyone?

16 A I met with my attorneys.

17 Q Who was physically present other than your
18 attorneys in that meeting, if anyone?

19 A No one other than myself.

20 Q And other than that meeting with your
21 attorneys, did you meet to discuss your testimony
22 with any present or former employees of the White

1 House or anyone of that kind?

2 A No, I did not.

3 Q Could you take just 10 or 15 seconds and
4 give us a little bit of your educational history.

5 A I attended and graduated high school in
6 Memphis, Tennessee in 1970. I attended Tulane and
7 Memphis State University as an intermittent student.

8 Q When did you take up full-time employment?
9 I want to take you through your work background a
10 little bit.

11 A When I was 18, which would be 1970.

12 Q Where did you work then?

13 A I worked at a small dress shop in Memphis,
14 Tennessee.

15 Q What's your next job after that?

16 A I worked for the Department of Treasury in
17 Washington, D.C.

18 Q Do you remember what year you started that?

19 A 1974.

20 Q How long did you work with the Treasury
21 Department?

22 A In Washington for one year.

1 Q I take it you worked for the Treasury
2 Department somewhere else?

3 A I did, at the Internal Revenue Service in
4 Memphis, Tennessee until -- gosh, this goes so far
5 back -- 1976.

6 Q Why don't you just sort of take me through
7 the series of jobs that will lead you to the White
8 House?

9 A Sure. 1976 through 1978 I worked at the
10 Department of Labor. 1978 to 1980 I worked for the
11 U.S. Geological Survey. In 1980 through 1983, I
12 worked for the United States Bankruptcy Court. In
13 1983 through 1986 I worked for International
14 Intelligence Network. In 1986 Dow, Lohnes &
15 Albertson through 1993, March of that year.

16 Q I'm sorry. 1986 through 1993?

17 A Through March of 1993, Dow, Lohnes &
18 Albertson. March 1993 through November 1993 the
19 White House. November 1993 through January 1994
20 Wilmer, Cutler & Pickering, and January 1994 through
21 the present at Dow, Lohnes & Albertson.

22 Q So you worked at the White House, if I have

1 these dates right, from sometime in March 1993
2 through November of 1993; is that correct?

3 A Yes.

4 Q If I was listening carefully, you had not
5 worked in the White House previous to that time?

6 A I had not.

7 Q And you haven't worked at the White House,
8 obviously, since November of 1993?

9 A That's correct.

10 Q How did you come to work at the White
11 House?

12 A My -- the legal personnel manager in my
13 office was asked by Sheila Foster Anthony, the late
14 Vince Foster's sister, for a recommendation for a
15 legal secretary that might work at the White House
16 and probably would work well with his brother. And
17 the legal personnel manager recommended my name to
18 his sister Sheila.

19 Q Was this sometime in -- sometime obviously
20 before March of 1993, do you recall?

21 A It was. It was in January of 1993.

22 Q Then did you interview for the job?

- 1 A I did.
- 2 Q Who did you interview with?
- 3 A With Vincent Foster.
- 4 Q Anyone else?
- 5 A No, I did not.
- 6 Q At some point in time, I take it, in March
7 of 1993 you became Mr. Foster's secretary; is that
8 right?
- 9 A I did.
- 10 Q Just generally speaking, what were your job
11 descriptions?
- 12 A Transcription of numerous tapes,
13 administrative support to him, secretarial support,
14 typing, drafting a few letters, filing.
- 15 Q Did you maintain Mr. Foster's files for
16 him?
- 17 A I did.
- 18 Q All of them or some of them?
- 19 A I maintained some of them.
- 20 Q And I take it that he also maintained some
21 files in his office?
- 22 A Yes, sir.

10

- 1 Q The files that you maintained, Ms. Gorham,
2 where were they physically kept?
- 3 A There were files kept outside in the
4 anteroom where the secretaries sat.
- 5 Q Was there a filing cabinet out there?
- 6 A There was. It was a two-drawer piece --
7 two pieces with four drawers total.
- 8 Q Is it one of those metal filing cabinets or
9 was it wooden --
- 10 A It was wooden.
- 11 Q Was it lockable? Could you lock it?
- 12 A I don't recall that it was lockable.
- 13 Q Whether or not it was lockable, it wasn't
14 locked?
- 15 A That's correct, it was not.
- 16 Q What sort of files did you maintain?
- 17 A I maintained those files in the anteroom,
18 and I maintained files in Mr. Foster's office.
- 19 Q Let me just ask you for a moment about the
20 ones in the anteroom. Generally speaking, what kinds
21 of files were they as opposed to the kinds of files
22 that were kept in Mr. Foster's office? Does that

1 question make sense?

2 A It does. They were files that were not
3 information of a sensitive nature.

4 Q Can you give us an example, to the best of
5 your recollection, of the kind of file that would be
6 out there?

7 A They would be his chronological files.
8 They would be subject files, A through Z; for
9 instance, a file that was kept for Mrs. Kelly, the
10 President's mother, on a meeting that might have
11 occurred in October in a breast cancer awareness
12 program.

13 Q I take it, the more sensitive files were
14 kept in Mr. Foster's office; is that correct?

15 A Yes.

16 Q And you also had responsibility for --
17 we've been using the word "maintain" which I take to
18 mean organize and place things in the file. Was that
19 your responsibility?

20 A It was.

21 Q How was that process routinely
22 accomplished? And by that, I mean did Mr. Foster

1 have an out box? How did the filing get done in his
2 office?

3 A There were documents that -- there were
4 files that were maintained that I did not maintain,
5 and I simply placed those documents into his in box,
6 knowing that those were not -- they went into a file
7 that I had no access to. And then those documents
8 that I had access to the file folders, I would simply
9 place in those folders, usually when he was not in
10 his office.

11 Q So there were some documents in
12 Mr. Foster's office that you didn't have access to?

13 A That's correct.

14 Q Where were they kept?

15 A They were kept in a file cabinet.

16 Q To the best you can recall, where
17 physically in the office was that file cabinet?

18 A If he was seated at his desk, it would have
19 been to his right.

20 Q Was that filing cabinet routinely locked,
21 in your experience?

22 A Yes.

1 Q Always locked?
2 A I never knew it to be open.
3 Q Who had a key?
4 A I assume Mr. Foster did.
5 Q Are you aware of whether anyone else did?
6 A No, I'm not aware.
7 Q Were you aware where Mr. Foster kept the
8 key?
9 A No, sir.
10 Q Do you know whether or not he even kept it
11 in his office?
12 A I have no idea.
13 Q You never saw him lock it or unlock it?
14 A No, I did not.
15 Q What files were kept in the locked file
16 cabinet that you didn't have access to in
17 Mr. Foster's office, if you know?
18 A I do not know.
19 Q Do you know any of them?
20 A No.
21 Q You said a moment ago sometimes you would
22 have papers that would go in files that you didn't

1 have access to?
2 A That's correct.
3 Q How did you know that?
4 A Because they were not in the file drawer
5 that I used or used to place files in.
6 Q Do you remember any of the topics of those
7 papers?
8 A I do. I don't know if I'm privileged to
9 say what the topic is.
10 Q I'm not aware of any restraints on that in
11 this proceeding.
12 MR. MILLS: I am aware that the White House
13 has not waived privilege with regard to the subject
14 matter of files of this nature, but I'd be happy to
15 consult with my client, if we could take a moment,
16 and we'll see if this is something that applies.
17 MR. JOHNSON: Sure. Bearing in mind, the
18 question is about the topic --
19 MR. KRAVITZ: We should consult because, at
20 least, we all know there are certain documents that
21 were found in Mr. Foster's office for which the White
22 House has claimed an executive privilege. So to the

1 extent that these documents may fall within that
2 category, I think we may have to consult with the
3 White House before Ms. Gorham testifies as to
4 anything about the content of them.

5 MR. MILLS: Can we go off the record for a
6 moment?

7 MR. JOHNSON: Sure.

8 (Witness conferred with counsel.)

9 BY MR. JOHNSON:

10 Q Do you remember the question, Ms. Gorham?

11 A Would you repeat it for me.

12 MR. JOHNSON: Sure. Julie, could you read
13 it back.

14 (The reporter read the record as requested.)

15 BY MR. JOHNSON:

16 Q We were talking about the files that
17 Mr. Foster maintained in locked filing cabinets in
18 his office to which you said you didn't have access,
19 but you also had testified that sometimes you would
20 put files in his in box that you knew went in those
21 files?

22 A I would put work product, sheets of paper.

1 Q By "work product," you mean things that
2 Mr. Foster himself would create?

3 A That's correct.

4 Q And the general question here, without
5 revealing the content of any of this work product,
6 what topics do you recall?

7 A There were two. One was Sean Hadden, and
8 the other was Waco.

9 Q And when you say Waco, are you referring to
10 the Branch Davidian encounter in Waco that was very
11 much in the news? Is that the general topic?

12 A Yes.

13 Q Who is Sean Hadden, if you know?

14 A The best that I can recall -- I can't
15 remember if he was a cook or a chef or an employee in
16 the kitchen of the White House.

17 Q Are you aware of any other topics of files
18 in that filing cabinet?

19 A No.

20 Q Did you ever physically see in there?

21 A No.

22 Q So you're not even aware of what volume of

1 files were in there, I take it?

2 A No.

3 Q Did Mr. Foster organize his office around
4 what I would refer to in my office as working files?
5 Did he keep -- how did he organize his papers
6 physically?

7 A They were physically on his desk in kind of
8 working piles.

9 Q What about in the filing cabinets? Were
10 the papers maintained in files or folders? How were
11 they organized?

12 A In folders, Pendaflex -- pressboard within
13 a Pendaflex by subject.

14 Q I'm going to show you -- I don't know very
15 much about this, but physically describe what those
16 folders look like.

17 A It's a green hanging file on a rod and the
18 subjects and the contents were placed in a green
19 pressboard folder, such as that blue one.

20 Q And you're referring to the folder that I'm
21 carrying here today?

22 A Yes.

1 Q Pressboard is kind of like cardboard?

2 A Yes.

3 Q And when you say "Pendaflex," you mean
4 having a binder similar to the one on mine?

5 A It's a green loose-leaf kind of sleeve
6 that's dropped on two rods that's lined back and
7 forth on a drawer.

8 Q And those are the files that you maintained
9 in your area?

10 A That's correct.

11 Q Are you aware whether he maintained any
12 files or folders in his office?

13 A Yes.

14 Q Could you physically describe those.

15 A They were located in filing drawers in a
16 wood cabinet.

17 Q And what kind of -- how were they
18 organized?

19 A They were organized by subject --

20 Q I know this seems trivial, but can you
21 physically describe the kind of folders they were in?

22 A The kind of folders?

1 Q Yes, ma'am.

2 A They were in those type of folders, in
3 pressboard folders.

4 Q And when you say those types, you're
5 referring to the folder that I happen to be carrying
6 today; is that correct?

7 A That's correct.

8 Q And let me see if I can describe this in
9 the record. It's what I refer to as a cardboard
10 folder which has a binder on the back that moves in
11 and out a little bit like an accordion?

12 A Yes.

13 Q And Mr. Foster kept his papers in those
14 kinds of folders; is that correct?

15 A His files were maintained in those types of
16 folders.

17 Q What color were the folders in his office?

18 A They were a pale green.

19 Q And other than the locked filing cabinet
20 that we've been talking about for a moment or two,
21 there were other filing cabinets in his office, I
22 take it; is that right?

20

1 A Yes, sir.

2 Q Just generally speaking, Ms. Gorham, what
3 was the volume of documents in Mr. Foster's
4 documents? Was it a lot, average, a little amount?

5 A I would say it was a little amount.

6 Q You're recalling in all of your experiences
7 as a secretary, over these years, you think he kept
8 fewer papers in his office than most people that
9 you're familiar with?

10 A Yes, sir.

11 Q Did Mr. Foster keep any folders or papers
12 anywhere, to the best of your knowledge, other than
13 in his office or in the filing cabinet that you
14 controlled?

15 A I'm not aware of any other papers that were
16 kept.

17 Q In the White House's suite generally, is
18 there a common filing area where all of the employees
19 of the suite keep certain files?

20 A No, sir, there was not when I was there.

21 Q And Mr. Nussbaum and Mr. Foster didn't
22 share any files, to the best of your knowledge?

- 1 A That's correct.
- 2 Q Did Mr. Nussbaum maintain any files outside
- 3 of his office in the common area where you worked?
- 4 A Yes.
- 5 MR. MILLS: To the extent that you know.
- 6 THE WITNESS: Yes.
- 7 BY MR. JOHNSON:
- 8 Q Obviously every question is only based on
- 9 what you know. He did?
- 10 A Yes, sir.
- 11 Q Who maintained those?
- 12 A His assistants.
- 13 Q And do you know their names?
- 14 A Betsy Pond and Linda Tripp.
- 15 Q Where were Mr. Nussbaum's files physically
- 16 kept?
- 17 A They were kept in the back of the office.
- 18 Q And did you ever have an occasion to
- 19 physically see them, just to see what they looked
- 20 like?
- 21 A Yes, sir, I did.
- 22 Q Kind of describe what they looked like.
-

- 1 A He had, I would say, approximately three or
- 2 four drawers full of files. They were also kept in
- 3 pressboard folders.
- 4 Q Let me try and pin this down. When you say
- 5 pressboard folders, do you mean of the kind that
- 6 Mr. Foster kept in his office that we were
- 7 describing?
- 8 A That's correct.
- 9 Q With the little accordion in the back?
- 10 A Yes.
- 11 Q Do you know what color Mr. Nussbaum's were?
- 12 A No, I don't.
- 13 Q Do you have any reason to think they were a
- 14 different color than Mr. Foster?
- 15 A I do not.
- 16 Q And you remembered that his were pale
- 17 green. Is it your best guess that Mr. Nussbaum's
- 18 were pale green?
- 19 MR. MILLS: I'm going to object to any
- 20 guessing by the witness. I'm going to object to
- 21 that.
- 22 BY MR. JOHNSON:

1 Q You can answer. When your counsel objects,
2 unless he instructs you not to answer a question, you
3 can answer.

4 A I just don't recall what the color was. I
5 have no reason to believe that they were of any other
6 color.

7 Q Is there any other place -- strike that,
8 Julie.

9 I take it, if you know, Mr. Nussbaum
10 maintained files in his personal office as well?

11 A I don't know if he did or not.

12 Q I take it, Ms. Gorham, you're familiar with
13 the alarm system as it existed in Mr. Foster's office
14 at that time?

15 A Yes.

16 Q And you were one of the persons who was
17 entitled to access the office? By that, I mean turn
18 off the alarm or turn on the alarm; is that right?

19 A Yes, sir.

20 Q Obviously Mr. Foster was such a person?

21 A He was.

22 Q And Mr. Nussbaum would also have that

1 right?

2 A Yes, sir.

3 Q Would Ms. Pond and Ms. Tripp also be
4 entitled to access the alarm?

5 A Yes.

6 Q Who else, to the best of your knowledge,
7 would be entitled to access the alarm?

8 A Mr. Castleton.

9 Q Who was Mr. Castleton?

10 A He was our file clerk.

11 Q How old was he in 1993, if you know?

12 A Maybe 23.

13 Q He was a young guy?

14 A Yes.

15 Q Anyone else? We're talking about the right
16 to access the office, to come in when it's locked.

17 A No one that I can recall.

18 Q Did you ever see the access list?

19 A I never saw the access list.

20 Q Let me give you a series of names and just
21 tell me -- and I realize that you're just basing it
22 on your experience because you don't recall seeing

1 the access list -- whether or not you'd ever seen
2 them access the office or known them to access the
3 office when it was locked. Patsy Thomasson?

4 A I don't know.

5 Q Maggie Williams?

6 A I don't know.

7 Q Do you know a woman by the name of Evelyn
8 Lieberman?

9 A Yes.

10 Q Who is Ms. Lieberman?

11 A I believe she was an assistant to Maggie
12 Williams.

13 Q And do you recall what Ms. Williams's job
14 was at that time?

15 A Chief of staff to the First Lady.

16 Q Do you know whether or not Ms. Lieberman
17 had access to the counsel's office, would have had a
18 right to access the counsel's suite?

19 A I do not know if she had access.

20 Q Ms. Gorham, the question I'm about to ask
21 is the same one for every one of these people, and
22 that is would you have recognized them in 1993,

1 before Mr. Foster died in 1993? It goes without
2 saying, you'd recognize the President or the First
3 Lady; is that right?

4 A Yes.

5 Q Mr. Nussbaum obviously you'd recognize?

6 A Yes.

7 Q Would you have recognized Cliff Sloan?

8 A Yes.

9 Q An attorney by the name of Steve Neuwirth?

10 A Yes.

11 Q Craig Livingstone?

12 A Yes.

13 Q Did you ever see Mr. Livingstone in the
14 White House counsel's suite?

15 A I did.

16 Q How many occasions roughly?

17 MR. MILLS: At any time period?

18 MR. JOHNSON: That's a good point.

19 BY MR. JOHNSON:

20 Q What about before Mr. Foster's death.

21 A Possibly no more than one dozen.

22 Q Than one dozen?

1 A No more than one dozen, yes.

2 Q Did he come alone, or was he accompanied by
3 someone when you saw him? I realize it's difficult
4 to recall.

5 A He was usually alone.

6 Q Coming back now to my list of people and
7 the question being whether or not you would have
8 recognized them before Mr. Foster's death.
9 Mr. McLarty?

10 A Yes.

11 Q Mr. William Burton?

12 A Yes.

13 Q Mr. Gearan?

14 A Yes.

15 Q Ms. Myers?

16 A Yes.

17 Q You've mentioned Mr. Castleton. Obviously
18 you would have recognized him?

19 A Yes.

20 Q How long did Mr. Castleton work in the
21 office? And I don't mean in any particular day. Was
22 he employed there when you began employment there in

1 March?

2 A No, sir, he was not.

3 Q When did he begin?

4 A He began, I believe, sometime around early
5 April.

6 Q Was he sort of a staff assistant or what
7 precisely was his job, to the best of your
8 understanding?

9 A He received our incoming mail and docketed
10 it and distributed it.

11 Q Would he have been familiar with the filing
12 system, to the best of your knowledge? Did he
13 sometimes help you file things or anything of that
14 nature?

15 A Not Mr. Foster's.

16 Q What about Mr. Nussbaum's, if you know?

17 A I don't know.

18 Q Let me ask, if I could, please, about some
19 of Mr. Foster's work habits. When he wrote letters,
20 did he dictate them, or did he physically write them
21 out longhand?

22 A He dictated them.

1 Q Into a Dictaphone or to you?

2 A Into a Dictaphone.

3 Q What was your practice with Dictaphone
4 tapes? Did you erase them or save them or did you
5 simply record over them?

6 A I recorded over them.

7 Q In your experience, did Mr. Foster keep a
8 lot of handwritten notes in his office?

9 A I do not know.

10 Q In your observation of Mr. Foster, did he
11 make a habit of writing down his thoughts or
12 impressions, or was he one of those people who
13 doesn't make very many notes?

14 A I have no knowledge of that.

15 Q Ms. Gorham, what time did you typically
16 arrive at the office, when you were working for
17 Mr. Foster in the White House, what time did you
18 arrive?

19 A 7:30.

20 Q What time did Mr. Foster arrive?

21 A He generally arrived between 8:00 and
22 9:00 -- I'm sorry, 8:30 and 9:00.

1 Q When you arrived at the office at 7:30,
2 were you usually the first one there, or were others
3 there usually first?

4 A I was the first one there.

5 Q Always, mostly, sometimes?

6 A I would say at least 90 percent of the
7 time.

8 Q Let me now focus on particular times, if I
9 could, and the events surrounding Mr. Foster's
10 death. It's been some time now, but if any of this
11 is awkward or painful, please say so and we'll take a
12 break.

13 Did you work the day of July 20, 1993?

14 A I did.

15 Q That was a Tuesday, was it not?

16 A Yes.

17 Q How many briefcases did Mr. Foster have?

18 A One.

19 Q Can you kind of describe it?

20 A It was a dark navy blue, and it was a -- I
21 think they call them satchels, and they have two
22 handles, one on each side, and your openings are kind

1 of -- everything is dropped in.

2 Q How did it close at the top, if it did?

3 A When you grasp the two handles together.

4 Q There was no zipping or locking mechanism?

5 A I don't recall a zipper or locking

6 mechanism.

7 Q Did he take it to and from work with him,

8 or did he leave it in his office?

9 A Typically, he took it to and from work.

10 (Pause.)

11 Q Do you happen to recall whether or not on

12 the morning of July 20th he brought his briefcase in

13 with him?

14 A I do not.

15 Q Typically he would have because typically

16 he would have taken it home; is that right?

17 A Yes, only typically.

18 Q But you don't have any recollection at all?

19 A None.

20 Q Do you recall seeing his briefcase at all

21 on that day?

22 A I don't recall seeing it.

1 Q On the day of July 20th -- and let me just

2 state so my questions, I hope, will be clearer, our

3 purpose here isn't to try and understand the

4 circumstances of Mr. Foster's death. It's really to

5 understand the circumstances of the documents and the

6 information in the investigation.

7 So in that -- with that sort of in mind,

8 was there anything at all unusual about July 20th,

9 the day of Mr. Foster's death?

10 A He stayed in his office most of that day,

11 most of that morning.

12 Q Is that unusual?

13 A No, but I don't really think that was

14 unusual. It was, I thought, kind of a quiet day

15 anyway. He stayed in his office mostly that morning

16 and sent out three pieces of mail, and I prepared a

17 couple of letters from a tape.

18 Q When you say "he sent out three pieces of

19 mail," do you mean he wrote three letters?

20 A There were three envelopes to go into the

21 mail, to go outside the White House.

22 Q And you don't today recall anything unusual

1 about those? Was there an unusual addressee or
2 anything of that kind?

3 A No. I recall two of the envelopes, the
4 addressees on two of the envelopes.

5 Q Who were they?

6 A One to his insurance company, one was to
7 his mother.

8 Q It was a letter to his mother?

9 A It was an envelope addressed to his mother.

10 Q Did you, in fact, mail all three pieces of
11 mail?

12 A I did.

13 Q Is it Mr. Foster's practice to retain
14 copies for his chron file of all of his
15 correspondence?

16 A It was for letters that I typed.

17 Q Did you type the letter to the insurance
18 company and the letter to his mother?

19 A No.

20 Q So I take it, therefore, to the best of
21 your knowledge, no copies of those were maintained in
22 Mr. Foster's office?

1 A I did not maintain any.

2 MR. KRAVITZ: Excuse me for one moment. I
3 think the record should be clear. I don't believe
4 Ms. Gorham testified that those were letters. My
5 memory of the testimony is that they were envelopes,
6 and I don't think Ms. Gorham has testified that she
7 knows what was inside the envelopes.

8 THE WITNESS: That's correct.

9 BY MR. JOHNSON:

10 Q That's a good point. Were they
11 letter-sized envelopes?

12 A One was a number 10 size envelope and one
13 was smaller.

14 Q I don't know what a number 10 is.

15 A Typical business letter size, and then the
16 other one was smaller.

17 Q Do you remember which was which?

18 A The one to his mother was the largest one,
19 and the one to the insurance company was the smallest
20 one.

21 Q And Mr. Kravitz is right, you don't have
22 any understanding of what was in those letters?

1 A That's correct, I do not know.

2 Q Any reason to think there was anything
3 other than paper in there? Did you feel a tape or
4 pencil or anything like that?

5 A I didn't notice.

6 Q And just to be clear, to the best of your
7 knowledge, no copies of whatever the contents of
8 those were maintained?

9 A I did not maintain any copies.

10 Q And you don't recall to whom the third
11 letter was addressed?

12 A I do not.

13 MR. MILLS: If it was a letter.

14 THE WITNESS: Yes, if it was a letter; I do
15 not.

16 BY MR. JOHNSON:

17 Q And you said, I think, also that Mr. Foster
18 dictated a couple of things on that morning; is that
19 right?

20 A He did not dictate them. There was a
21 remaining tape that I transcribed, some letters.

22 Q Remaining from the previous day or some

1 other time?

2 A I would say the previous day.

3 Q Were they letters?

4 A To the best of my knowledge.

5 Q Anything remarkable about those, or were
6 they just routine correspondence, to the best of your
7 knowledge?

8 A I think they would have been routine
9 correspondence.

10 Q And because you typed those, did you also
11 maintain copies of those in his chron file?

12 A Those particular letters?

13 Q Yes.

14 A They were sent into his office. They were
15 never signed.

16 Q I think my general question was whether the
17 morning and early afternoon of July 20th were really
18 remarkable in any way, and what I'm hearing is it
19 was, from your observation, a pretty ordinary day; is
20 that right?

21 A It was a very quiet day because I had
22 performed a lot of transcription the Friday before

- 1 and the Monday before.
- 2 Q Was Ms. Pond in the office on that day, to
- 3 the best of your recollection?
- 4 A On the 20th?
- 5 Q Yes.
- 6 A Yes, she was.
- 7 Q Was Ms. Tripp there?
- 8 A Yes.
- 9 Q Was Mr. Nussbaum in, do you recall?
- 10 A I don't recall if he was.
- 11 Q Was Mr. Castleton there, if you recall?
- 12 A I don't recall.
- 13 Q Who answers Mr. Foster's phone?
- 14 A I do.
- 15 Q Do you maintain a telephone log, or how do
- 16 you record his telephone messages?
- 17 A With an electronic telephone log.
- 18 Q E-mail?
- 19 A No.
- 20 Q How does it work?
- 21 A It's simply maintained -- simply input, and
- 22 then I print the copy.
-

- 1 Q You print a copy out in hard copy?
- 2 A In hard copy.
- 3 Q Was it your practice to maintain a copy of
- 4 the hard copy printout?
- 5 A Yes.
- 6 Q Where did you keep that physically?
- 7 A I kept it in a notebook in a side drawer of
- 8 my desk.
- 9 Q And would you have a separate page for
- 10 every day? Is that kind of how it worked?
- 11 A Yes.
- 12 Q Who maintained Mr. Foster's appointment
- 13 calendar?
- 14 A He did.
- 15 Q Did he keep that in his office?
- 16 A He did.
- 17 Q Did you ever know Mr. Foster to maintain a
- 18 diary or a daily record of events other than the
- 19 appointment calendar?
- 20 A No.
- 21 Q Were there unusual telephone calls on the
- 22 20th of July 1993?

1 A None that I recall.

2 Q Now, there came a time, I guess, on that
3 day, when Mr. Foster left. He didn't return, I
4 understand, but what time did he leave, do you know?

5 A I wasn't present when he left.

6 Q Were you at lunch?

7 A I was.

8 Q So you don't know whether or not he took
9 anything with him when he left?

10 A No, I don't.

11 Q When Mr. Foster left, did he typically
12 close the door behind him or did he leave the door to
13 his office open?

14 A He usually left it open.

15 Q Do you think you went in there on the
16 afternoon of the 20th?

17 A I'm sorry?

18 Q Do you think you went into that office on
19 the afternoon of the 20th?

20 A I do not recall whether I did or did not.

21 Q I think I know the answer to the next
22 question, having heard the answer to the last one,

1 but let me ask it anyway. Do you know whether his
2 briefcase was in the office on the afternoon of the
3 20th?

4 A I do not.

5 Q What time did you go home on that day?

6 A I left my office about 5:30.

7 Q Is that your normal sort of end of day
8 departure time?

9 A No, it was 7:30.

10 Q You worked from 7:30 in the morning until
11 7:30 in the evening?

12 A As I do now.

13 MR. MILLS: I'm sorry. Is that an unusual
14 day?

15 MR. JOHNSON: Apparently not.

16 MR. KRAVITZ: 7:30 sounds like the middle
17 of the afternoon to me.

18 BY MR. JOHNSON:

19 Q Any significant reason that you left
20 earlier on that day than any other day?

21 A Mr. Foster hadn't returned, and I hadn't
22 heard from him, and I had really done everything that

1 I could do for the day, and I thought well, this
2 might be a perfect day to escape a little early.

3 Q Was it unusual for Mr. Foster to be gone
4 for that period of time and for you not to be aware
5 where he was?

6 A Yes.

7 Q Was there any -- in the afternoon of the
8 20th, was there any unusual degree of activity in the
9 White House counsel's office? Did people seem to be
10 alarmed or worried or anything of that kind?

11 A No.

12 Q And you don't have any recollection of
13 whether anyone went into Mr. Foster's office on that
14 afternoon?

15 A I don't recall.

16 Q Ms. Gorham, when did you learn of
17 Mr. Foster's death?

18 A About 11:00 that night.

19 Q How did you learn about it?

20 A Linda Tripp called me.

21 MR. MILLS: Do you want to take a break?

22 THE WITNESS: No, I'm fine. Thanks.

1 BY MR. JOHNSON:

2 Q Ms. Tripp is Mr. Nussbaum's assistant, I
3 think you testified earlier?

4 A Yes.

5 Q Generally speaking, what did Ms. Tripp say?

6 A She had told me that Mr. Foster had been
7 found dead in some type of park.

8 Q Was Ms. Tripp upset when she called you?

9 A Yes, she was.

10 Q Was anyone else on the line?

11 A Not that I'm aware.

12 Q Other than the fact that Mr. Foster's body
13 had been discovered, do you recall anything else
14 about what Ms. Tripp might have said?

15 A No.

16 Q Was there any discussion between you and
17 Ms. Tripp in this phone call about Mr. Foster's
18 office?

19 A Not that I recall.

20 Q She didn't say anything like I'm going to
21 go in there or someone's going to go in there or
22 words to that effect?

1 A No, I do not recall that.

2 Q And she didn't ask you whether there was
3 anything in particular that was in there or not,
4 there was just no discussion about the contents?

5 A I don't recall any conversation along those
6 lines.

7 Q Did you have any other conversations on
8 this evening?

9 A I did. Bernard Nussbaum called me.

10 Q Do you remember what time that was?

11 A It was closer to 12:00.

12 Q You said Ms. Tripp called you around 11:00;
13 is that right?

14 A Yes.

15 Q Did she say where she was when she called
16 you?

17 A I don't recall. I can only assume she was
18 at home.

19 Q Mr. Nussbaum called you around midnight?

20 A Somewhere between 11:30 and 12:00.

21 Q Do you recall where Mr. Nussbaum was when
22 he called you?

44

1 A No, I do not.

2 Q I didn't ask the question very carefully.
3 I take it during the course of that telephone
4 conversation, Mr. Nussbaum didn't reveal where he
5 was?

6 A He did not.

7 Q Have you ever, in any subsequent
8 conversations with Mr. Nussbaum, learned where he was
9 when he called you on that evening?

10 A I did not.

11 Q What do you recall about your conversation
12 with Mr. Nussbaum?

13 A He had asked me if I had heard from anyone
14 regarding Mr. Foster.

15 Q Just basically have you heard the terrible
16 news or something like that?

17 A Yes, and I told him that Linda Tripp had
18 called me.

19 Q Do you recall anything else about that
20 conversation?

21 A I don't.

22 Q And let me just ask you a couple of the

1 same questions I asked you about Ms. Tripp. Was
2 there any discussion about Mr. Foster's office or the
3 contents of Mr. Foster's office?

4 A With Mr. Nussbaum?

5 Q Yes.

6 A No, I do not recall if we had any
7 conversation.

8 Q Mr. Nussbaum didn't state to you that I've
9 been in there or I'm going to go in there, referring
10 to Mr. Foster's office, or any words to that effect?

11 A He did not.

12 Q Still focusing on the evening that
13 Mr. Foster died, did you have any other conversations
14 on that evening with anyone else?

15 A No.

16 Q Ms. Tripp and Mr. Nussbaum, that's all?

17 A That is all.

18 MR. JOHNSON: If it's okay, why don't we
19 take a five- or 10-minute break now. When we come
20 back, I want to talk to you about the next day, the
21 21st.

22 (Recess.)

1 BY MR. JOHNSON:

2 Q Ms. Gorham, I should have asked you when we
3 were discussing your telephone call with Ms. Tripp --
4 and maybe I did ask you. If I did, I apologize --
5 did Ms. Tripp say how she had learned of Mr. Foster's
6 death?

7 A She learned about his death from Debbie
8 Coyle.

9 Q Who is Debbie Coyle?

10 A She is the personal secretary to the
11 President.

12 Q Do you have any understanding of how
13 Ms. Coyle learned about Mr. Foster's death?

14 A I do not.

15 Q And you know that Ms. Tripp learned in that
16 way because she said what, Debbie Coyle just called
17 me and told me?

18 A And told me, yes.

19 Q Do you know Ms. Coyle personally?

20 A Yes, I do.

21 Q Did you regard it as odd that Linda Tripp
22 learned of Mr. Foster's death before you did, or did

1 that enter your mind?

2 A No, it never did.

3 Q I'd like to -- just one final question
4 about the 20th. On the afternoon of the 20th, you
5 don't have any recollection, do you, of anyone
6 entering Mr. Foster's office to remove documents or
7 place documents there, or anything of that kind?

8 A I do not recall who may have entered his
9 office.

10 Q It's possible that someone did, you just
11 wouldn't have noticed, or you don't now today
12 remember?

13 A I do not remember.

14 Q When Mr. Foster was not in his office,
15 would it be a common thing for people to sort of go
16 in and out and deliver things, sort of routine
17 entries?

18 A No, not really.

19 Q Did Mr. Foster at that time have a private
20 or personal telephone line that you did not answer or
21 did you answer all of his calls?

22 A I answered all of his calls.

1 Q And was it his practice to not answer the
2 phone personally to allow you to answer the calls?

3 A That's correct.

4 Q Did you also place his calls for him?

5 A No.

6 Q He would dial his own telephone calls?

7 A Yes.

8 Q What time did you arrive at work on the
9 morning of the 21st? That would be Wednesday, July
10 21, 1993.

11 A Approximately 8:30 to 8:45.

12 Q Now, that's a little later than your normal
13 arrival time?

14 A Yes.

15 Q Do you recall today why you arrived later?

16 A I guess I just wasn't inspired.

17 Q Other than the obvious, you were upset
18 about Mr. Foster's death?

19 A Yes.

20 Q It was hard to bring yourself together?

21 A It was, at 7:30 in the morning.

22 Q And you had not spoken with anyone further

1 about Mr. Foster's death since the evening of the
2 20th, or had you?

3 A I had.

4 Q Who else had you spoken to?

5 A My husband.

6 Q Other than sort of personal
7 conversations --

8 A That's correct.

9 Q -- you hadn't spoken with anyone at the
10 White House?

11 A No.

12 Q When you arrived at the White House
13 counsel's suite that morning, was it open?

14 A Yes.

15 Q Do you recall whether anyone else was
16 already there?

17 A Yes.

18 Q Who was already there?

19 A Betsy Pond and Stephen Neuwirth.

20 Q Anyone else?

21 A I didn't see anyone else.

22 Q Mr. Nussbaum was not there, I take it?

50

1 A He was not there when I arrived.

2 Q Could you tell whether or not he had been
3 there already?

4 A I could not tell.

5 Q Mr. Castleton was not there?

6 A That's correct.

7 Q Who is Mr. Neuwirth?

8 A He was an associate counsel in the
9 counsel's office.

10 Q Where was he physically when you walked in?

11 A He was standing in the door frame of
12 Mr. Foster's office.

13 Q When you left the evening before 5:30 in
14 the evening of the 20th, was Mr. Foster's office door
15 opened or closed?

16 A I don't recall.

17 Q But it was open when you came back the next
18 morning because Mr. Neuwirth was standing in the door
19 frame; is that right?

20 A Yes, sir.

21 Q Do you know whether or not Mr. Neuwirth had
22 been in Mr. Foster's office?

- 1 A I have no knowledge whether he was or not.
 2 Q After you arrived, how long did
 3 Mr. Neuwirth stay?
 4 A I don't recall.
 5 Q More or less than an hour?
 6 A I don't recall.
 7 Q You just don't have any recollection?
 8 A No, I do not.
 9 Q In however long he was there, did you ever
 10 see him go into Mr. Foster's office on the morning of
 11 the 21st?
 12 A I don't recall seeing him go into the
 13 office.
 14 Q What, to the best of your recollection, is
 15 the first thing that happened when you arrived at
 16 approximately 8:30 that morning of the 21st?
 17 A I said hello to both and I kind of looked
 18 in to Mr. Foster's office, kind of past Stephen and
 19 then went and sat down.
 20 Q What were you looking for when you looked
 21 in Mr. Foster's office?
 22 A Nothing. I was just looking in it.

- 1 Q Did you notice anything when you looked in?
 2 A No, just the lights were off.
 3 Q The lights were --
 4 A Off.
 5 Q Off?
 6 A Right.
 7 Q Did you have any understanding of why
 8 Mr. Neuwirth was there?
 9 A No, sir.
 10 Q He didn't say to you I'm just here to fill
 11 in the blank, anything to that effect?
 12 A No.
 13 Q Did you have any conversations with
 14 Mr. Neuwirth at all that morning?
 15 A I did. He simply stated to me not to enter
 16 the office.
 17 Q Mr. Neuwirth, not to go into the office?
 18 A Not to go into Mr. Foster's office.
 19 Q Did he say why?
 20 A No, he did not.
 21 Q Did you regard that as unusual?
 22 A No.

- 1 Q Why not?
- 2 A Given Mr. Neuwirth's personality, I took it
3 as kind of a semi command.
- 4 Q And when you say given his personality, can
5 you shed some light on that for us?
- 6 A He was a very controlling individual. He
7 was more than succinct in his language with other
8 secretaries, not so much with me, but with other
9 secretaries, and I think -- well, his language and
10 tone and manner sometimes intimidated other
11 secretaries.
- 12 Q And his direction to you not to enter the
13 office, was that more than succinct to you?
- 14 A Absolutely.
- 15 Q And you say you took it as a command?
- 16 A I took it as a -- I took it as a command.
- 17 Q In other words, you didn't ask him -- you
18 didn't interpret him to be inviting further
19 discussion about whether or not you should go in
20 there?
- 21 A I did not.
- 22 Q Did Mr. Neuwirth say anything further other

- 1 than don't go in Mr. Foster's office or words to that
2 effect?
- 3 A Not to me.
- 4 Q He didn't offer any explanation to you?
- 5 A No, he did not.
- 6 Q Did you overhear Mr. Neuwirth say anything
7 further to anyone that morning?
- 8 A I don't recall.
- 9 Q I realize it's a most difficult morning.
10 Did you, in fact, go into Mr. Foster's
11 office?
- 12 A I did not.
- 13 Q You never entered that office on that day?
- 14 A No, sir.
- 15 Q Do you know whether anyone else did?
- 16 A I just don't recall if anyone else entered
17 that office or not.
- 18 Q Do you have any recollection of Ms. Pond --
19 or anyone telling you that Ms. Pond went in the
20 office to straighten up the papers or anything to
21 that effect?
- 22 A Yes.

1 Q What do you recall about that?

2 A She had told me that she had gone in to
3 straighten some papers.

4 Q Did she say anything more than that?

5 A No, she did not.

6 Q Did she say whether or not anyone had
7 directed her to go in to straighten those papers?

8 A No.

9 Q How do you suppose this topic came up?

10 A She had stated that -- I do not recall when
11 she stated that to me, because I misinterpreted her.
12 I thought she meant she had straightened up papers on
13 his desk, but later she had told me that she had
14 straightened papers up on his bar which is just there
15 at the entrance to his office.

16 Q Let me get the physical layout. If you
17 walk into Mr. Foster's office, as I recall, you sort
18 of make a little bit of a left-hand turn to his desk,
19 wouldn't you?

20 A Yes.

21 Q And where would the bar be that you now
22 understand her to be --

1 A It's just inside the doorway.

2 Q To the best of your recollection, were
3 those Mrs. Pond's words, I went in to straighten up
4 some papers?

5 A I don't recall the exact words, just her
6 statement that she did.

7 Q Now, why were you initially confused about
8 whether or not she was referring to his desk or the
9 bar that you've described?

10 A I don't recall if it was a lack of using
11 enough words or the proper language.

12 Q What brought the topic up again?

13 A I don't recall the time frame. I remember
14 her telling me that, and I thought that it was
15 important simply because she stated she never left --
16 she never went into his office near his desk. She
17 just remained inside the door well there.

18 Q And straightened up the papers?

19 A She said that she kind of put them in more
20 of a neat square pile.

21 Q Did that seem usual or unusual to you in
22 any way?

1 A It really didn't seem unusual when she
2 clarified it because she stated she was doing it kind
3 of as a subliminal housekeeping chore.

4 Q Did she have any conversations with
5 Ms. Pond on the topic of whether or not Ms. Pond put
6 anything back into Mr. Foster's office or removed
7 anything from Mr. Foster's office?

8 A I did not.

9 Q The entirety of your conversation with her,
10 I take it, is she said she went in and physically
11 straightened some of the papers on the bar?

12 A Yes.

13 Q Where does Mr. Foster keep his trash can in
14 his office?

15 A I cannot picture it. I cannot recall where
16 he kept his trash can.

17 Q Even though you don't recall specifically,
18 do you recall generally? Was it near the door or
19 near his desk or somewhere else?

20 A I just cannot picture or recall where that
21 trash can was.

22 Q Did he at that time keep a burn bag in his

1 office?

2 A Yes.

3 Q Where did he keep that?

4 A If he was seated at his desk, it would have
5 been to the right and against the back wall.

6 Q Having remembered that, does that help you
7 remember at all where his trash can was, or is that
8 not helpful?

9 A No, I'm sorry, it's not.

10 Q That's okay. When Mr. Foster left on the
11 afternoon of the 20th, do you know whether or not
12 there were any materials in his burn bag in his
13 office?

14 A I have no knowledge.

15 Q It's not something you'd ordinarily check?

16 A No, I do not.

17 Q I take it you don't know whether there was
18 anything in his trash or wastebasket in his office?

19 A No, I do not.

20 Q It's not your job to check that?

21 A That's correct.

22 Q And you wouldn't, in the ordinary course of

1 your day, remove the trash and place it in the trash
2 in the reception area or anything like that?

3 A No, sir.

4 Q Back to the morning of the 21st,
5 Ms. Gorham, after Mr. Neuwirth said -- strike that,
6 Julie.

7 Do you think Ms. Pond went in and informed
8 you that she straightened papers before or after
9 Mr. Neuwirth directed that you not enter the office?

10 A She informed me after.

11 Q And my question was unclear, I realize. Do
12 you know whether or not she entered the office before
13 or after Mr. Neuwirth informed you not to go into the
14 office?

15 A She entered before, I'm told.

16 Q So your understanding is that she entered
17 before Mr. Neuwirth told you not to enter, but she
18 had told you that sometime after Mr. Neuwirth
19 directed you?

20 A That's correct.

21 Q Did Ms. Pond ever say on that day whether
22 anyone else had been in Mr. Foster's office?

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1 A She did not.

2 Q And what about up to and including today,
3 do you have any knowledge today about whether or not
4 anyone else had been in Mr. Foster's office?

5 A I have no personal knowledge.

6 Q Did anyone ever say to you that someone
7 else had been in Mr. Foster's office?

8 MR. MILLS: I'm going to object to the
9 extent that any of that relates to conversations with
10 counsel, or really with White House counsel.

11 MR. JOHNSON: She works in the White House
12 counsel's office so I'm not sure you want to give
13 that direction.

14 MR. MILLS: She worked in the White House
15 counsel's office. I would ask that the question be
16 more narrow in scope to avoid those problems, if that
17 could possibly be done.

18 MR. JOHNSON: I think we can do that.

19 BY MR. JOHNSON:

20 Q Exclude from your answer any conversations
21 you may have had with your counsel in the process of
22 seeking legal advice. Let's try it a couple ways.

- 1 During the time -- you worked in the White
2 House through November of 1993; is that correct?
3 A Yes.
4 Q Did you ever come to learn that anyone had
5 entered Mr. Foster's office after his death in the
6 early evening on July 20th?
7 A May I ask from what source?
8 Q From any source at all.
9 A I had read it in the news bite, in a
10 newspaper.
11 Q Do you recall what you read?
12 A I really do not, other than there were
13 three names, and I do not recall if it said they
14 entered or there was a possibility.
15 Q Do you recall what the three names were?
16 A Bernard Nussbaum, Patsy Thomasson and
17 Maggie Williams.
18 Q And you recall reading in some published
19 thing --
20 A That's correct.
21 Q -- that either they did enter or may have
22 entered Mr. Foster's office; is that correct?
-

- 1 A Yes.
2 Q Have you ever heard any other names, any
3 other suggestions that anyone else may have entered
4 Mr. Foster's office --
5 A No, sir.
6 Q -- after the time of his death?
7 A No, sir.
8 Q And we know that Mrs. Pond said she went in
9 very briefly to organize papers?
10 A Right.
11 Q Other than reading it in a newspaper, do
12 you have any other basis of information on the topic
13 of whether or not anyone entered Mr. Foster's office
14 on that evening?
15 A No, sir.
16 Q You never asked Mr. Nussbaum?
17 A I did not.
18 Q You never have discussed it with
19 Mr. Nussbaum in any way --
20 A No, sir.
21 Q -- one way or the other? Okay.
22 I'll ask the same questions about

1 Ms. Williams. Did you ever have any conversations
2 with Ms. Williams about whether or not she entered
3 Mr. Foster's office on the night of his death?

4 A No, sir.

5 Q So as you sit here today, you don't have
6 any information one way or the other, other than what
7 you read in the newspaper?

8 A That's correct.

9 Q What about Ms. Thomasson, do you have any
10 other information other than what you read in the
11 newspaper?

12 A No, sir.

13 Q Now, those questions were framed in time
14 between -- I'm sorry, strike that, Julie.

15 The point of reference of those questions
16 was when you worked at the White House. Let me take
17 you from when you worked at the White House forward
18 through today, please exclude from your answer
19 anything you may have learned in conversations with
20 your attorneys.

21 Do you have any more information today
22 about whether or not anyone entered the White House

1 on that evening?

2 A No, sir.

3 MR. KRAVITZ: Your question was about
4 whether anyone entered the White House.

5 MR. JOHNSON: Thank you, Neal.

6 BY MR. JOHNSON:

7 Q Did you understand my question to be about
8 Mr. Foster's office?

9 A Yes.

10 Q And you'd give the same answer if I asked
11 the question properly, you don't have any more
12 information about whether someone entered
13 Mr. Foster's office on that evening?

14 A No, I do not.

15 Q Thank you. Now, I've been using the phrase
16 sometimes "Mr. Foster's office." Would you give a
17 different answer if I expanded the question to mean
18 the White House counsel's suite?

19 MR. MILLS: I'm sorry, which question?

20 BY MR. JOHNSON:

21 Q All the questions about entry that we've
22 just been talking about. For example, you say you

1 don't have any more information about whether or not
2 Mr. Nussbaum entered Mr. Foster's office?

3 A That is correct.

4 Q Do you have any information about whether
5 or not Mr. Nussbaum was in the White House counsel's
6 suite that evening?

7 A No, I do not.

8 Q And the same would be true, I take it, with
9 respect to Ms. Thomasson and Ms. Williams?

10 A That is correct.

11 Q On the morning of the 21st, Ms. Gorham,
12 what's the next thing that you recall happening after
13 Mr. Neuwirth directed that you not enter the office?

14 A The best I can recall, I put my purse up
15 and went downstairs and got a cup of coffee.

16 Q Then what do you recall after that, if
17 anything?

18 A Coming back upstairs and -- the best I can
19 recall, associate counsel -- an associate counsel
20 coming in for the standard 9:00 meeting which I
21 believe was -- the best I recall, I believe it was
22 canceled.

1 Q The standard 9:00 meeting is in
2 Mr. Nussbaum's office?

3 A Mr. Nussbaum's office.

4 Q Who normally attends that?

5 A The majority of the associate counsel.

6 Q Would Mr. Neuwirth have normally attended
7 that meeting?

8 A Yes, he would.

9 Q Would Mr. Sloan normally have attended that
10 meeting?

11 A Yes, he would.

12 Q Do you recall who came in that morning?

13 A I cannot recall which associate counsel
14 came in that morning.

15 Q Just one of the lawyers on the staff?

16 A I remember that there were a few that came
17 in.

18 Q Let me ask you, did Mr. Foster keep a
19 locked safe in his office?

20 A No, sir.

21 Q Did Mr. Nussbaum keep a locked safe or
22 safes in his office to the best of your knowledge?

1 A Yes.

2 Q Did Mr. Foster have the combination to
3 Mr. Nussbaum's safe?

4 A No.

5 Q Did anyone, to the best of your knowledge,
6 other than Mr. Nussbaum have the combination to
7 Mr. Nussbaum's safe?

8 A I did.

9 Q Did Ms. Pond also have it?

10 A I gave that to her telephonically sometime
11 around late October.

12 Q Of what year?

13 A 1993. I suppose I should clarify that
14 also, the locksmith had the combination and also a
15 former employee who was on -- I forget the term --
16 they were on detail, had the combination.

17 Q What's that employee's name?

18 A Cynthia McManus.

19 Q Anyone else, to the best of your
20 knowledge -- do you know whether Mr. Nussbaum had it?

21 A I don't know that he actually had the
22 combination.

1 Q Why did you have the combination to
2 Mr. Nussbaum's safe?

3 A I was designated the authority to open and
4 close that safe.

5 Q By Mr. Nussbaum?

6 A I suppose. That responsibility was handed
7 to me by Cynthia McManus.

8 Q Ms. Gorham, where did you physically keep
9 the combination?

10 A One, in my brain and number two, there was
11 a cryptic style of the combination in the hard drive
12 of my computer.

13 Q And by "cryptic," you mean something that
14 you could understand but no one else would?

15 A That's correct.

16 Q Do you have to have a password to get into
17 your hard drive, or can anyone turn it on?

18 A Anyone can turn it on because the password
19 to my hard drive was known by the other secretaries
20 if I was off, but passwords were attached to
21 sensitive letters and/or the safe document.

22 Q Unless someone knew your password, they

1 couldn't access the safe combination; is that right?

2 A That's correct.

3 Q And even then, even if they accessed it, it
4 was written in a way your belief is they wouldn't
5 understand it?

6 A That's correct.

7 Q Did Mr. Foster keep any documents in
8 Mr. Nussbaum's safe?

9 A Yes, he did.

10 Q What documents do you believe Mr. Foster
11 kept in Mr. Nussbaum's safe?

12 MR. MILLS: You can describe the subject
13 matter of the documents.

14 THE WITNESS: There were two 1-inch ring
15 binders that were from National Security Agency.

16 BY MR. JOHNSON:

17 Q What color were they?

18 A I think one was white, but I don't recall
19 the other color.

20 Q To the best of your knowledge, did
21 Mr. Foster keep anything else in that safe?

22 A I don't know that. If two particular

1 envelopes were once in his possession, thus they were
2 his, but those are the only two things that he gave
3 to me that I placed on his behalf.

4 Q The two envelopes, do you recall the
5 topic? Were they sealed envelopes?

6 A I don't know. I never looked to see if
7 they were sealed or not.

8 Q Were they -- going back to our discussion
9 earlier this morning, were they big or little
10 envelopes?

11 A They were 8-1/2-by-11 sized gold envelopes.

12 Q And I take it you don't know what was in
13 those envelopes?

14 A I do not.

15 Q Do you know whether or not there was
16 anything in them? Did they feel heavy?

17 A I should clarify that. There was writing
18 on the outside of envelopes, which led me to believe
19 that what was contained in inside.

20 Q What do you recall about the writing on the
21 outside? What did it say?

22 A One said for eyes only and it said for eyes

1 only, not to be opened, and then it said William
2 Kennedy on one envelope.
3 Q You've been describing one envelope that
4 said for eyes only not to be opened William Kennedy?
5 A That's correct.
6 Q Do you know anything else about that
7 envelope?
8 A No, sir.
9 Q Were there any markings or writing on the
10 second envelope?
11 A It said Janet Reno.
12 Q Anything else?
13 A No, sir.
14 Q I take it you don't know anything about the
15 contents of either of those envelopes?
16 A No, sir.
17 Q So the two 1-inch ring binders I believe
18 you described --
19 A National Security Agency.
20 Q -- came from the National Security Agency.
21 And these two other envelopes. Anything else that
22 you're aware of of Mr. Foster's that was in

1 Mr. Nussbaum's safe?
2 A No, sir.
3 Q When do you think you placed the two
4 8-1/2-by-11 inch envelopes that you've just described
5 in Mr. Nussbaum's safe? Can you place that in time?
6 A I did not place them in there.
7 Q I'm sorry, I misunderstood you. You didn't
8 put those in there?
9 A No, sir.
10 Q Who did?
11 A I have no idea.
12 Q What makes you think they were at one time
13 in Mr. Foster's possession?
14 A I did not say they were in Mr. Foster's
15 possession. It was those two binders that he handed
16 to me. I'm sorry, I thought you asked me what else
17 was remaining in the safe.
18 Q Maybe I did, but let me just be clear. The
19 only thing that Mr. Foster gave you to place in the
20 safe were the two binders; is that correct?
21 A Yes.
22 Q And in placing those in the safe, you saw

1 these other two envelopes?

2 A That's correct.

3 Q And you don't today know whether those
4 envelopes were ever in Mr. Foster's possession?

5 A I have no knowledge.

6 Q See anything else in there?

7 A Yes, sir. There were some other things in
8 there.

9 Q Do you have any reason to believe that any
10 of those other things were at any time in
11 Mr. Foster's possession?

12 A No, I would have no knowledge about that.

13 Q Do you recognize the content -- I just want
14 to ask you topically because I don't want to get too
15 much content -- but do you recognize what those other
16 things were?

17 A I don't recall what else was in there.

18 Q Were they documents?

19 A I just can't recall.

20 Q Can you place in time when you placed the
21 two NSA binders in the safe?

22 A I would say -- the best I can recall, that

1 spring, March, April. That's a total guess.

2 Q Well before Mr. Foster's death?

3 A Yes.

4 Q At or around the 20th of July or any time
5 thereafter -- let me give you, just as a point of
6 reference, a two-week time frame. Did anyone ask you
7 for the combination to the safe or did anyone ask you
8 to open the safe?

9 A Yes.

10 Q Who asked you to open the safe?

11 A Bernard Nussbaum.

12 Q Do you remember when?

13 A To the best that I can recall, it was the
14 week following Mr. Foster's death.

15 Q Mr. Foster died on a Tuesday?

16 A Yes.

17 Q And your best understanding is that a
18 weekend passed and sometime in the following week
19 Mr. Nussbaum asked you to open the safe?

20 A Yes.

21 Q Did Mr. Nussbaum say why he wanted to look
22 in the safe?

1 A He did not.
 2 Q Were you physically present when he did?
 3 A No, sir.
 4 Q When you opened the safe, did you see in?
 5 A No, sir, I just immediately left.
 6 Q So you don't know whether or not the two
 7 NSA binders were in there, or do you?
 8 A No.
 9 Q And the best of your recollection, all
 10 Mr. Nussbaum said was I need to get in the safe or
 11 words to that effect?
 12 A That's correct.
 13 Q Anybody else ever ask you to get in the
 14 safe within the two-week time period surrounding
 15 Mr. Foster's death or after Mr. Foster's death?
 16 A No, no other party other than Mr. Nussbaum.
 17 Q And was this the only occasion on which
 18 Mr. Nussbaum asked to get in?
 19 A No, sir.
 20 Q When was the next time he asked?
 21 A The only other time I can recall was when
 22 Mrs. Foster and Mr. Hamilton were in Mr. Nussbaum's

1 office.
 2 Q Can you place in time that meeting?
 3 A It was so long ago. I don't believe that
 4 it was that week. It would have to have been
 5 following that week.
 6 MR. MILLS: Which week is that?
 7 THE WITNESS: The week that Mr. Nussbaum
 8 asked me to open the office, the week following
 9 Mr. Foster's death, it was not during that week, to
 10 the best I can remember.
 11 BY MR. JOHNSON:
 12 Q It was approximately within two weeks of
 13 Mr. Foster's death; is that correct?
 14 A No, I don't even recall if it was the
 15 following week.
 16 Q Sometime after Mr. Nussbaum first asked you
 17 to get in, you recall that he asked you another time?
 18 A That's correct.
 19 Q And Mr. Foster's wife was present at that
 20 time; is that correct?
 21 A That's correct.
 22 Q Mr. Kravitz was helping me try and find a

1 way to help you place this event in time, and we have
2 information that indicates -- and I don't know
3 whether it's accurate so use it only if it is useful
4 in refreshing your recollection, that Mrs. Foster and
5 Mr. Hamilton may have been in the White House at some
6 time at or around the 27th of July in 1993. And our
7 information is that one of their purposes was to see
8 or discuss a handwritten note of Mr. Foster's that
9 had been found.

10 Does this help you place in time at all --

11 A It does not help me place in time, but I
12 only recall the occurrence.

13 Q "The occurrence" being?

14 A When Mr. Hamilton and Mrs. Foster were
15 there.

16 Q Now I've confused myself here. You
17 remember that they were there?

18 A Yes, I just could not tell you which week
19 it was.

20 Q Do you remember seeing them there more than
21 once?

22 A I do not remember seeing them there more

1 than once, no.

2 Q Tell me what you recall about opening the
3 safe this time.

4 A Mr. Nussbaum asked me to open the safe and
5 bring him a white envelope that was located in the
6 front of the safe.

7 Q Was anyone else in Mr. Nussbaum's office at
8 that time?

9 A Mrs. Foster and Mr. Hamilton.

10 Q They were physically both in there?

11 A Yes.

12 Q Did Mr. Nussbaum say why he was opening the
13 safe?

14 A He did not.

15 Q Did he ask you to bring him the envelope?

16 A Yes.

17 Q Did you see the envelope?

18 A I did.

19 Q Did it have any markings on it?

20 A It had a marking of White House on it.

21 Q Stationery mark?

22 A Stationery marking, yes.

- 1 Q Was the envelope sealed or open?
2 A I did not notice.
3 Q Did Mr. Nussbaum say what was in the
4 envelope?
5 A He did not.
6 Q And you took it and physically handed it to
7 Mr. Nussbaum; is that correct?
8 A That's correct.
9 Q And then did you leave the room?
10 A I did.
11 Q Was there any further discussion in your
12 presence about the envelope?
13 A No, sir.
14 Q I'll come back to the envelope in a
15 second. When you opened the safe, were you able to
16 see what else was in there?
17 A I would have, but I did not look.
18 Q So you don't recall whether the two binders
19 that you earlier described were there or not?
20 A No, sir.
21 Q What, if anything, Ms. Gorham, do you know
22 about the contents of that envelope?
-

- 1 A I do not know what the contents were.
2 Q Did there come a time when you learned that
3 a handwritten note or document of Mr. Foster's had
4 been found?
5 A Yes.
6 Q When do you think you learned that?
7 A A point in time?
8 Q The best that you recall.
9 A I wish I could use a calendar. The full
10 week following his death, I believed if I had been
11 told about it, it would have been very late in the
12 week or possibly earlier in the next week.
13 MR. KRAVITZ: I don't know if anyone has a
14 calendar, but I certainly wouldn't have any objection
15 to you refreshing your memory, if someone has one.
16 BY MR. JOHNSON:
17 Q Well, while your counsel is looking, we
18 know that Mr. Foster died on a Tuesday, the 20th, so
19 the following Tuesday would have been the 27th; is
20 that correct?
21 A That's correct.
22 Q Your recollection is that it was sometime

1 later in that week?

2 A At the end of the week or earlier the next
3 week.

4 Q So it would have been the 28th, 29th or
5 30th, or perhaps as late as early the next week; is
6 that correct?

7 A That's correct.

8 Q How did you learn about the note?

9 A Betsy had stated to me that they had found
10 something in his briefcase.

11 Q And this is the conversation you're
12 referring to that was either late in the week of the
13 27th or earlier the following week?

14 A Or the following week, that's correct.

15 Q When you say "they," did she say who "they"
16 were?

17 A Not that I recall.

18 Q She didn't say who had found something in
19 his briefcase?

20 A I don't recall if she used names or not.

21 Q Is there anything that would refresh your
22 recollection about whether or not she used names?

1 A No, sir.

2 Q What brought the topic up?

3 A I don't know. It's not something that I
4 would have initiated.

5 Q By Betsy, you mean Betsy Pond?

6 A Yes, sir.

7 Q Mr. Nussbaum's secretary?

8 A Yes.

9 Q What, if anything, further did she say?

10 A I don't recall her saying anything
11 further. I only recall my response.

12 Q What was your response?

13 A I would prefer not to hear about it.

14 Q You asked her not to tell you anything
15 further?

16 A That is correct.

17 Q Why is that?

18 A It was just too sad.

19 Q And to the best of your knowledge, she
20 didn't say anything further at that time?

21 A That's correct.

22 Q Did you ever learn anything further about

1 that?

2 A From any staff member?

3 Q From any staff member, any source really.

4 A When it appeared in the newspapers, I stood
5 on the corner of 24th and M and read kind of the
6 headlines of the Washington Star.

7 Q And that's it?

8 A That was it.

9 Q And that's all you know today about that
10 handwritten document or how it was discovered or
11 where it was discovered; is that right?

12 A That is all I know about the contents --
13 the writing that was on this note.

14 Q What about the discovery itself? Have you
15 learned anything more about who discovered it or how
16 it was discovered?

17 MR. MILLS: Again, all these questions are,
18 I'm going to assume, excluding any conversations with
19 counsel and the witness should understand that.

20 BY MR. JOHNSON:

21 Q And by counsel, I mean, Ms. Gorham, your
22 counsel, anything you've learned from your attorney,

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1 you can exclude from your answer.

2 A I understand.

3 Q If we're excluding something that you've
4 learned from the White House counsel, please tell me
5 that there's something you're excluding and we'll
6 discuss whether it's necessary to talk further about
7 it. But if there's anything you're excluding on the
8 basis of conversations with attorneys other than your
9 own, please inform me of that.

10 A I understand that the note or this was
11 found by Stephen Neuwirth.

12 Q How did you come to know that?

13 A Betsy Pond had stated to me that she
14 thought that Stephen Neuwirth had found this note,
15 whatever it was.

16 Q When did Ms. Pond tell you that?

17 A Probably at the same time that -- I would
18 say later in the week, the week following
19 Mr. Foster's death.

20 Q Let me see if I've got this right. When
21 you first learned of the existence of a note and for
22 the record, when we understand, we'll call it a note

1 and we'll know we're talking about the handwritten
2 document that was found in Mr. Foster's briefcase.
3 Is that fair?

4 A That's correct.

5 Q Some people quarrel whether or not it's a
6 note. I don't mean to characterize it. It's just a
7 way of describing it.

8 A Sure.

9 Q You had an initial conversation, which
10 we've placed on the 28th, 29th or 30th or perhaps as
11 early as the following week in which Ms. Pond told
12 you that a note had been found; is that correct?

13 A That something had been found in his
14 briefcase, yes.

15 Q And do you think it was in that
16 conversation that she told you Mr. Neuwirth found it
17 or some other conversation?

18 A No, it was the same conversation.

19 Q Did she say anything further about the
20 circumstances in which Mr. Neuwirth found the note?

21 A No.

22 Q Did she tell you that the note had been

1 torn into little pieces?

2 A She did not.

3 Q Did she say it had not been torn into
4 little pieces? Based on what she said to you, did
5 you have any physical impression of the note at all?

6 A No, sir, it was after that statement that I
7 said I prefer not to hear about it.

8 Q I apologize. This is a little bit out of
9 the chronology, and I'll try and come back at the end
10 to have it all make chronological sense. Can you
11 place in time your opening of the safe for
12 Mr. Nussbaum in the presence of Mrs. Foster and
13 Mr. Hamilton in relation to this conversation? For
14 example, had you opened the safe before or after this
15 conversation?

16 A After.

17 Q You opened the safe after you learned about
18 the note?

19 A That's correct.

20 Q Are you the one who placed the envelope in
21 the safe?

22 A No, I was not.

1 Q Do you have any understanding today about
2 how that got in that safe?

3 A I do not know who placed that note in the
4 safe.

5 Q Have you ever wondered about that? I don't
6 want to just gossip. Your earlier testimony was, to
7 the best of your knowledge, that you had a
8 combination, that the locksmith had a combination,
9 that an individual by the name of -- help me out.

10 MR. MILLS: Cynthia McManus.

11 BY MR. JOHNSON:

12 Q Cynthia McManus had a combination and you
13 didn't know whether or not Mr. Nussbaum had a
14 combination; is that correct?

15 A That's correct.

16 Q And you didn't place that envelope in the
17 safe?

18 A I did not.

19 Q Do you have any understanding today of who
20 did?

21 A I do not.

22 Q Have you ever discussed with anyone or

1 raised the question of who placed the envelope in the
2 safe?

3 A No.

4 Q I just want to be clear. Mr. Nussbaum
5 asked you to come in and open the safe; is that
6 correct?

7 A For Mr. Hamilton and Mrs. Foster?

8 Q Yes, ma'am.

9 A That's correct.

10 Q Did you infer from that that Mr. Nussbaum
11 didn't have the combination?

12 A That's correct.

13 (Pause.)

14 MR. JOHNSON: Does she have a
15 clarification? When we left, I think there was maybe
16 a pending question and you guys conferred.

17 MR. MILLS: The question was about -- there
18 were a series of questions about the times that
19 Deborah Gorham was asked to open the safe in Bernie's
20 office. I believe, and the witness can clarify this,
21 but I believe the witness understood that question to
22 mean during the week following the death of Vince

1 Foster, and I think if we could ask whether at any
2 time after the death of Vince Foster, including the
3 week of his death, if she was asked to open the safe,
4 that that would clarify some of these issues.

5 MR. JOHNSON: Thank you. I thought we had
6 asked that, but thanks for pointing that out.

7 MR. MILLS: I think it should be asked
8 again so she can clarify it.

9 BY MR. JOHNSON:

10 Q Were you ever asked to open the safe in
11 Mr. Foster's office during the week that he died?

12 A I was asked to open the safe in
13 Mr. Nussbaum's office. Yes, I recall one or two
14 times being asked to open the safe before the meeting
15 with Mr. Hamilton and Mrs. Foster.

16 Q I'd like to hear about every time that you
17 were asked to open the safe during the week that
18 Mr. Foster died. What's the first time?

19 A I'm sorry, I don't recall the day, if it
20 was Tuesday or Wednesday following -- Tuesday or
21 Wednesday of that week.

22 Q In the week of Mr. Foster's death?

1 A The week following.

2 MR. MILLS: If Tuesday is the 20th of
3 July --

4 THE WITNESS: So we'll use the -- I don't
5 recall if it was the 27th or 28th when I was asked to
6 open the safe for Mr. Nussbaum. He asked me to open
7 the safe and he was going to place something in it
8 and for me not to open it and read it.

9 BY MR. JOHNSON:

10 Q And your best guess is that was the 27th or
11 28th of July?

12 A That's correct.

13 Q Did you see what Mr. Nussbaum was going to
14 place in the safe?

15 A I did not.

16 Q And when he said for you not to open it and
17 read it, what was he referring to?

18 A I can only assume it was the envelope that
19 he subsequently gave to Mrs. Foster and Mr. Hamilton.

20 Q Did Mr. Nussbaum say anything else at that
21 time?

22 A He did not.

1 Q Did you physically see what he placed in
2 the safe at that time?

3 A I did not.

4 Q Now, that opening of the safe, I take it,
5 was before in time when you opened it in the presence
6 of Mrs. Foster and Mr. Hamilton?

7 A That's correct.

8 Q So even though you didn't see it, if you
9 had to guess how the envelope that you removed got in
10 there, would your best guess be that Mr. Nussbaum
11 placed it --

12 A No, I really couldn't guess on who placed
13 it in there.

14 Q Indulge me, Counsel. I just need to be
15 clear. During the week that Mr. Foster died -- he
16 died on Tuesday the 20th and his body was found late
17 afternoon, early evening. Were you ever requested to
18 open the safe during that week?

19 A Not that I recall.

20 Q Now, I think we may have identified three
21 times thereafter when you opened the safe. Am I
22 correct about that?

1 A I can recall the first time that
2 Mr. Nussbaum asked me, approximately Tuesday or
3 Wednesday following that week and asking me to open
4 the safe for him.

5 Q And was that the event you just described
6 when he wanted to put something in there and told you
7 not to read it?

8 A He asked me not to read it, yes.

9 Q And then the next time you remember opening
10 the safe was when Mr. Hamilton and Mrs. Foster were
11 present?

12 A No, I believe I opened it one more time
13 before they arrived for that meeting.

14 Q What, if anything, do you recall about that
15 opening?

16 A Just simply the instruction to open the
17 safe.

18 Q By Mr. Nussbaum?

19 A That's correct.

20 Q Was that before or after the time in which
21 he told you not to read what he was putting in the
22 safe?

- 1 A That was after.
- 2 Q And then the next -- when's the next time
- 3 you recall opening the safe?
- 4 A When Mr. Hamilton and Mrs. Foster were in
- 5 his office.
- 6 Q I'm sorry for being so slow but you
- 7 remember opening the safe three times roughly in that
- 8 two-week time period; is that correct?
- 9 A That's correct.
- 10 Q What about after the time that you opened
- 11 the safe for Mr. Nussbaum in the presence of
- 12 Mrs. Foster and Mr. Hamilton, do you recall opening
- 13 it at any other times?
- 14 A No, I do not.
- 15 Q Now, when you opened it for Mr. Nussbaum in
- 16 the presence of Mr. Hamilton and Mrs. Foster, did you
- 17 leave it open or did you close it?
- 18 A I do not recall if I closed it such so that
- 19 it would lock. I remember closing the door panel
- 20 to -- it was in a cabinet. I remember closing the
- 21 door panel of it.
- 22 Q In order to close the door panel, would you

- 1 have to close the door to the safe?
- 2 A No. You would have to close the door to
- 3 the point where it would not have to be locked.
- 4 Q And do you know whether or not Mr. Nussbaum
- 5 replaced in the safe the envelope that you had
- 6 removed?
- 7 A I do not.
- 8 Q And even as you sit here today, you don't
- 9 know that?
- 10 A No, sir.
- 11 Q Did you ever learn what was in the
- 12 envelope?
- 13 A No.
- 14 Q I take it you have a guess. It's probably
- 15 the same one we all have, but you don't have any
- 16 personal knowledge of it --
- 17 A No, sir.
- 18 Q And you don't know whether it was the note
- 19 we talked about earlier in this deposition?
- 20 A That's correct, I do not.
- 21 Q Do you have any reason to believe it was
- 22 anything other than the note? Do you have any

1 insight at all?

2 A None whatsoever.

3 Q On the -- returning to the chronology,
4 which I think we can do fairly quickly now, on the
5 morning of the 21st, at some point in time Ms. Pond
6 told you she had been in to straighten the documents;
7 is that correct?

8 A I don't recall if she told me that morning
9 or that afternoon.

10 Q But sometime during that day?

11 A Or the following day. I do not recall what
12 day it was that she told me that.

13 Q There came a time on the 21st when the
14 Secret Service posted a guard outside Mr. Foster's
15 office; is that right?

16 A That's correct.

17 Q Were you physically present when that
18 occurred?

19 A Yes.

20 Q Prior to that time, which I will suggest --
21 well, do you recall what time they posted a guard?

22 A I would only guess to say that it was

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1 sometime before 11:30.

2 Q Prior to that time, did you observe whether
3 or not anyone went into Mr. Foster's office?

4 A I did not.

5 Q Did you remain physically present in the
6 White House counsel's suite throughout the day of the
7 21st?

8 A Yes.

9 Q Did you see anyone go into Mr. Foster's
10 office during the course of that day?

11 A Not that I recall.

12 Q For example, you didn't see Mr. Nussbaum go
13 in there to remove a photograph?

14 A I just don't recall.

15 Q Did you ever see Cliff Sloan on that day?

16 A Yes.

17 Q Where do you think you saw him?

18 A In the anteroom.

19 Q Did you have any conversations with
20 Mr. Sloan?

21 A I don't recall if I had any conversations
22 other than good morning.

1 Q Nothing substantive?
 2 A No.
 3 Q You don't recall discussing, for example,
 4 the contents of Mr. Foster's office or anything like
 5 that?
 6 A No.
 7 Q Did anyone on the morning of the 21st go
 8 through Mr. Foster's files that you kept in the
 9 anteroom?
 10 A No, sir.
 11 Q Did anyone ask you whether or not
 12 Mr. Foster had files out there?
 13 A I don't recall anyone asking me, no.
 14 Q Did anyone ever go through those files, to
 15 the best of your knowledge?
 16 A I never saw anyone go through those files.
 17 Q Did anyone, in your time at the White
 18 House, did anyone ever ask you to ship those files
 19 off site or to remove them in any way?
 20 A No.
 21 Q When you left your employment at the White
 22 House in November, to the best of your knowledge,

1 those files were where they had always been?
 2 MR. MILLS: If I could ask to clarify,
 3 Ms. Gorham moved locations at a certain point during
 4 her employment at the White House.
 5 MR. JOHNSON: Thank you.
 6 BY MR. JOHNSON:
 7 Q You went to work in another office?
 8 A I went to work across the street in the Old
 9 Executive Office Building.
 10 Q When was that?
 11 A Approximately September 4 or 5, on the
 12 Tuesday following Labor Day.
 13 Q Let's focus on that day, when you no longer
 14 physically worked in the White House counsel's
 15 suite. At the time you went to go to work at the Old
 16 EOB, to the best of your knowledge, were there files
 17 still in the anteroom there?
 18 A Yes, sir.
 19 Q To the best of your knowledge, no one had
 20 ever gone through there?
 21 A That's correct.
 22 Q I take it on the 21st, you didn't see

1 anyone going in or out of Mr. Foster's office; is
2 that correct?

3 A That's correct.

4 Q At some point in that morning, the
5 President came down to the White House counsel's
6 suite?

7 A That's correct.

8 Q Did he speak with the people there?

9 A No. He didn't speak with everyone. He
10 spoke with -- he spoke primarily to the people that
11 he knew personally.

12 Q Who did you see him speak with?

13 A He spoke with me and he said hello to the
14 other three and went into Mr. Nussbaum's office.

15 Q You observed the President going into
16 Mr. Nussbaum's office?

17 A Yes.

18 Q Was Mr. Nussbaum in that office?

19 A He was.

20 Q Was there anyone else in that office?

21 A I don't know who else was in there.

22 Q Did he close the door behind him or did he

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1 leave the door open?

2 A The door remained open.

3 Q Could you hear what the nature of the
4 conversation was in there?

5 A I didn't listen.

6 Q How long was the President in there?

7 A The best I can remember, probably no more
8 than 10 minutes.

9 Q And to the best of your recollection, the
10 door remained open the entire time?

11 A Yes.

12 Q Was anyone with the President, other than
13 ordinary Secret Service accompanying him?

14 A I can't recall who else, if there was
15 anyone with him.

16 Q Did anyone go into Mr. Nussbaum's office
17 with him?

18 A I don't recall.

19 Q Do you recall, while the President was in
20 Mr. Nussbaum's office, whether or not any additional
21 Secret Service was standing in the anteroom?

22 A I don't recall if there were any agents in

1 the anteroom. There are normally agents outside the
2 door.

3 Q They don't typically come into the suite,
4 is that right, with the President?

5 A I don't recall if they came into the suite
6 or stood outside the door, but there's normally an
7 agent that stands out there anyway.

8 Q And the President spoke to you personally,
9 I take it?

10 A Yes.

11 Q And the conversation was in the nature of
12 condolences and expressions of grief; is that right?

13 A That's correct.

14 Q There were no other conversations that you
15 recall?

16 A No, sir.

17 Q Mr. Foster kept in his office a photograph
18 of himself and the President and Mr. McLarty as
19 kindergarten children; is that correct?

20 A Yes.

21 Q Where did he keep that photograph?

22 A On a bookshelf, an open bookshelf, such as

1 the one you have behind you.

2 Q Was it in a frame?

3 A Yes.

4 Q Was it standing up in a frame --

5 A Yes.

6 Q -- or lying down?

7 A Standing up.

8 Q On the day that Mr. Foster died, did you
9 see that photograph in that office, if you recall?

10 A I don't recall.

11 Q No reason for you to remember one way or
12 the other?

13 A No.

14 Q Is there anything else, Ms. Gorham, that
15 you remember about the 21st of July, the day after
16 Mr. Foster died, anything remarkable that we haven't
17 touched on?

18 A No.

19 Q What time did you go home on that evening?

20 A Approximately 7:00 or 7:30.

21 Q Was the Secret Service guard still outside
22 Mr. Foster's office when you went home on that day?

1 A I just don't recall.

2 Q I should have asked you this this morning
3 and it slipped my mind. Who is Marlene McDonald?

4 A She was a volunteer in our office.

5 Q A volunteer what? Is she a law student or
6 clerical person?

7 A She had already graduated from a
8 university, and she was a staff assistant.

9 Q Did she work for Mr. Foster?

10 A No.

11 Q Who did she work for?

12 A Really for Ms. Pond and Ms. Tripp.

13 Q Was she present on the 20th of July, the
14 day Mr. Foster died?

15 A I just don't recall if she was.

16 Q Do you recall whether or not she was there
17 on the 21st?

18 A I don't recall.

19 Q You don't have any recollections about her
20 one way or the other?

21 A I don't.

22 Q And then on the 22nd, did you return to

1 work at your normal time?

2 A I don't recall what time that day I came
3 in.

4 Q Even though you don't recall, when you came
5 in that morning, had the Secret Service guard been
6 removed from Mr. Foster's office?

7 A There was a point in time that the lock was
8 placed on the door, and I don't recall an agent
9 standing outside the door on Thursday.

10 Q Did you have a key to that lock?

11 A I did.

12 Q When did you get a key to that lock?

13 A I either received it Thursday or the
14 following Monday.

15 Q Thursday would be the 22nd; is that
16 correct?

17 A That's correct.

18 Q By the way, in the late afternoon of the
19 21st, do you know whether or not a meeting occurred
20 in Mr. Nussbaum's office?

21 A I can't recall if it was that afternoon or
22 the following morning that there was a meeting.

1 Q Who attended that -- did you recognize
2 anyone who attended that meeting?

3 A No.

4 Q Did you observe that there were people who
5 were not on the White House staff in attendance at
6 that meeting?

7 A Yes.

8 Q You just don't know who they were?

9 A I believe that one gentleman was from the
10 office of Swidler & Berlin. That's what I was told.

11 Q That would have been Mr. Foster's personal
12 attorneys; is that correct?

13 A I later learned that they were handling his
14 estate.

15 Q Were there any Department of Justice
16 officials there, to the best of your knowledge?

17 A I don't know what their jurisdiction was.

18 Q You just saw kind of a group of people?

19 A Yes.

20 Q You weren't physically present during the
21 meeting, were you?

22 A No.

1 Q Where did the meeting take place?

2 A In Mr. Foster's office.

3 Q That's very helpful. Other than the
4 meeting that physically took place in Mr. Foster's
5 office, were there any other meetings that you
6 observed taking place in the White House counsel's
7 office?

8 A I don't remember any.

9 MR. MILLS: This is all on the 21st, which
10 is Wednesday.

11 MR. JOHNSON: Yes, or the morning of the
12 22nd, I suppose.

13 BY MR. JOHNSON:

14 Q You don't have any recollections of other
15 meetings other than the one that took place in
16 Mr. Foster's office?

17 A I don't recall if there were any other
18 meetings or not.

19 Q On the morning of the 22nd, before the
20 meeting in Mr. Foster's office, did you observe
21 anyone entering that office?

22 MR. KRAVITZ: I'm sorry, I'm confused. Is

1 the meeting in Mr. Foster's office, are you talking
2 about, was that on the 21st or the 22nd?

3 MR. JOHNSON: I thought she said the 22nd,
4 but we should be clear.

5 THE WITNESS: It either occurred Wednesday,
6 the 21st or the 22nd. I just don't recall which day
7 it was.

8 MR. JOHNSON: Thank you, Neal.

9 BY MR. JOHNSON:

10 Q Do you recall what time of day it was?

11 A To the best I can remember, it was in the
12 morning. I'm sorry, I really can't -- for some
13 reason, I just think that it was in the morning.

14 Q Did it occur when the security guard was
15 posted outside Mr. Foster's office or after the lock
16 had been placed on the office?

17 A I believe it occurred after the lock was
18 placed on the office.

19 Q What makes you think that?

20 A Because once the lock was placed on the
21 office, there really was no need for an agent to be
22 outside that door.

1 Q What makes you think that the meeting
2 you're referring took place after the lock was placed
3 on the office? Do you have a memory of someone
4 unlocking the door or something like that?

5 A I was asked to unlock the door to his
6 office.

7 Q Did you have the key?

8 A I did.

9 Q How did you get the key?

10 A It was given to me by Steve Neuwirth.

11 Q Do you recall when Mr. Neuwirth gave you
12 the key?

13 A It was sometime either -- I'm sorry, I
14 believe that Steve Neuwirth opened the door to that
15 office himself.

16 MR. MILLS: Are you talking about for the
17 meeting that we've been discussing?

18 THE WITNESS: For the meeting, yes. I'm
19 sorry.

20 BY MR. JOHNSON:

21 Q Do you have any understanding, Ms. Gorham,
22 of how Mr. Neuwirth got the key?

- 1 A No, I don't.
- 2 Q Is your -- in your mind's eye, are you
- 3 clear it was Mr. Neuwirth who opened the door as
- 4 opposed to you or someone else?
- 5 A For that meeting, yes. I recall the first
- 6 time that I opened the door -- the first time I
- 7 opened that door was after I was given the key.
- 8 Q Which would have been when?
- 9 A The Thursday or the following Monday.
- 10 Q After the meeting that we're referring to?
- 11 A That's correct, yes.
- 12 Q What makes you certain that Mr. Neuwirth
- 13 opened the door?
- 14 A I remember him standing there and gentlemen
- 15 standing behind him and he opening the lock to the
- 16 door.
- 17 Q Did you have any understanding of what the
- 18 purpose of the meeting in Mr. Foster's office was?
- 19 A No.
- 20 Q Did you go in there for that meeting?
- 21 A No.
- 22 Q Could you overhear anything that was said

- 1 in that meeting?
- 2 A No.
- 3 Q Did Mr. Nussbaum attend that meeting?
- 4 A I believe he did.
- 5 Q Did Mr. Sloan attend that meeting?
- 6 A I have no idea.
- 7 Q Do you know whether or not Mr. Neuwirth
- 8 attended that meeting?
- 9 A No, I do not.
- 10 Q Other than Mr. Nussbaum, can you identify
- 11 anybody else by name who attended that meeting?
- 12 A No.
- 13 Q Do you know whether it was all men, or do
- 14 you remember seeing any women present in that
- 15 meeting?
- 16 A I only recall seeing men.
- 17 Q I may have asked you this. Do you have any
- 18 recollection of how long that meeting lasted?
- 19 A No, I don't. It was not a short meeting.
- 20 It might have taken -- be a total guess on my part --
- 21 maybe an hour.
- 22 Q And you didn't participate in or overhear

1 any part of that?

2 A No.

3 Q After that meeting, what happened?

4 A The gentlemen left.

5 Q Everybody just walked out?

6 A Yes.

7 Q Do you remember anything else?

8 A No.

9 Q How did you get the key to the office?

10 A Stephen Neuwirth handed it to me.

11 Q What, if anything, did Mr. Neuwirth say

12 when he handed it to you?

13 A Do not unlock this for anyone except for
14 Bernie Nussbaum.

15 Q So your instructions were to keep everyone
16 out of the office except Mr. Nussbaum?

17 A That's correct.

18 Q And you're pretty clear on that?

19 A Absolutely.

20 MR. JOHNSON: Go off the record for a
21 second, Julie.

22 (Discussion off the record.)

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1 BY MR. JOHNSON:

2 Q When you came in, Ms. Gorham, on the
3 morning of the 22nd, that's the Thursday, were you
4 surprised that the office was locked, that
5 Mr. Foster's office had been locked?

6 A Was I surprised that it had been locked?

7 Q Yes, ma'am.

8 A I don't recall really if the lock was
9 placed on that door on Wednesday or Thursday morning.

10 Q Putting aside for the moment the meeting
11 that took place in Mr. Foster's office that we've
12 been describing, when you first noticed the lock on
13 the door to Mr. Foster's office, did you ask anyone
14 at that time who had the key?

15 A No.

16 (Discussion off the record.)

17 BY MR. JOHNSON:

18 Q When do you first think you learned who had
19 the key to the lock that had been placed on
20 Mr. Foster's office either on Wednesday evening or
21 Thursday morning?

22 A When Stephen Neuwirth handed it to me.

1 Q At the end of the meeting?

2 A No, on either late Thursday afternoon or
3 Monday morning, he handed me the key.

4 Q Perhaps I misunderstood. At the conclusion
5 of the meeting that took place in Mr. Foster's
6 office, everyone got up and left, you testified about
7 that. You don't recall whether or not anyone gave
8 you the key to the office at that time; is that
9 right?

10 A That's correct.

11 Q It's possible, but you can't be certain?

12 A I cannot recall what day that meeting took
13 place.

14 Q Now, coming back to the beginning of that
15 meeting, did the people assemble in the anteroom
16 where you were sitting?

17 A They were kind of in between the anteroom
18 and outside the door.

19 Q There were a lot of people. Your testimony
20 is that Mr. Neuwirth opened the door?

21 A That's correct.

22 Q Do you have any knowledge at all about who

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1 had possessed the key from the time the lock was put
2 on until the time you saw Mr. Neuwirth open the door?

3 A I'm sorry. Can you restate that.

4 Q Sure. At some point in time -- and you've
5 testified you don't know whether it was Wednesday
6 night or Thursday morning -- a lock was placed on
7 Mr. Foster's door; is that right?

8 A I don't recall when the lock was placed on
9 there, that's correct.

10 Q Do you have any knowledge about who
11 possessed the key?

12 A No, I do not.

13 Q First time you ever saw the key was when
14 Mr. Neuwirth was opening the door for the meeting; is
15 that correct?

16 A I'm sorry, I should clarify. He was
17 standing at the door, and he had some people behind
18 him, and I don't know if he unlocked the door or
19 simply opened it.

20 Q You didn't see the key one way or the other
21 at that time?

22 A No.

1 Q Sorry for dwelling on that. We need to be
2 as clear as we can be.

3 After the meeting that you observed in
4 Mr. Foster's office, was the door locked at the
5 conclusion of that meeting, to the best of your
6 knowledge?

7 A I don't recall.

8 Q Ms. Gorham, did you attend Mr. Foster's
9 funeral?

10 A Yes.

11 Q And that was in Arkansas, was it not?

12 A Yes.

13 Q What day of the week was Mr. Foster's
14 funeral?

15 A On Friday.

16 Q And I think you testified earlier that you
17 don't precisely remember what time you left your
18 office on Thursday, the 22nd; is that correct?

19 A No, not specifically, I don't recall.

20 Q From the conclusion of the meeting on
21 Thursday until you left the office, did you observe
22 anyone going into Mr. Foster's office?

1 A No.

2 Q And on Friday, the 23rd of July, I take it
3 you didn't go to the office at all?

4 A I did.

5 Q You did?

6 A I did.

7 Q What time did you arrive there on that day?

8 A Right at about 7:00.

9 Q Were you the first one there?

10 A I can't remember if I was the first one
11 there.

12 Q Was Mr. Foster's office door locked at that
13 time?

14 A I don't know if it was or not.

15 Q Was it closed?

16 A It was closed.

17 Q And what time did you leave the office on
18 that day to travel to Little Rock?

19 A About 7:15.

20 Q That morning?

21 A Yes.

22 Q Did you travel with the President?

- 1 A Yes.
- 2 Q So you took the helicopter off the White
- 3 House grounds?
- 4 A We took vans to Andrews.
- 5 Q So you were in the office between 7:00 and
- 6 7:15 that morning?
- 7 A Yes.
- 8 Q Was Mr. Nussbaum at Mr. Foster's funeral?
- 9 A Yes.
- 10 Q Ms. Pond?
- 11 A Yes.
- 12 Q Mr. Castleton?
- 13 A No, he was not.
- 14 Q Linda Tripp?
- 15 A Yes.
- 16 Q Marlene McDonald?
- 17 A No.
- 18 Q Steve Neuwirth there?
- 19 A Yes.
- 20 Q Did you see Mr. Sloan there?
- 21 A I don't recall.
- 22 Q Was Maggie Williams at Mr. Foster's

- 1 funeral?
- 2 A I don't recall.
- 3 Q What about Patsy Thomasson?
- 4 A So long ago. I don't recall.
- 5 Q When did you physically come back to work
- 6 in the White House counsel's office? Was it the
- 7 following Monday?
- 8 A After the funeral?
- 9 Q Yes, ma'am.
- 10 A On Monday morning.
- 11 Q If memory serves, that would have been the
- 12 26th of July; is that correct?
- 13 A Is that correct, Monday?
- 14 MR. MILLS: That's correct according to my
- 15 super math.
- 16 MR. JOHNSON: That's all I'm doing, too.
- 17 BY MR. JOHNSON:
- 18 Q Mr. Foster died on Tuesday the 20th, so
- 19 we're assuming the following Monday was the 26th.
- 20 A Yes.
- 21 Q What happened on that day in connection
- 22 with the contents of Mr. Foster's office, if

1 anything?

2 A Mr. Neuwirth was seated at the chair to his
3 desk --

4 Q Let me go a little bit more slowly here.
5 This is on Monday the 26th?

6 A Yes.

7 Q And Mr. Neuwirth was sitting at the chair
8 to Mr. Foster's desk?

9 A Yes.

10 Q Who opened the door to the office?

11 A I do not recall.

12 Q How did you know that Mr. Neuwirth was
13 seated, did you walk in the office and find
14 Mr. Neuwirth sitting at Mr. Foster's desk?

15 A Yes.

16 Q What time of the morning was that?

17 A I would say midmorning.

18 Q Had you been at work since 7:00 or 7:30
19 that morning?

20 A Probably.

21 Q But you didn't see Mr. Neuwirth go in
22 Mr. Foster's office, did you?

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1 A I don't recall if I actually saw him go in
2 or not.

3 Q Did you have the key to Mr. Foster's office
4 at that time or did someone else have it?

5 A I either did or did not have it. I either
6 received it that morning or I received it late on
7 that Thursday.

8 Q You don't remember opening the door for
9 Mr. Neuwirth?

10 A No, I do not.

11 Q I'm sorry, I interrupted you. You walked
12 in and saw Mr. Neuwirth sitting at Mr. Foster's desk;
13 is that correct?

14 A No, let me clarify that. He had asked me
15 that morning to point to him where he would find --
16 what he would find in various files.

17 Q And did you do that?

18 A I gave him a general description of what
19 was contained and the subjects of each of the file
20 folders and drawers.

21 Q Did you go into Mr. Foster's office in
22 order to do that?

1 A No, I kind of stood in the doorway where we
2 had a view of his office.

3 Q Was Mr. Neuwirth in Mr. Foster's office, or
4 was he standing in the door well with you?

5 A He was standing with me.

6 Q As you both stood there, he kind of said
7 tell me where things are?

8 A That's correct.

9 Q Did either of you go into the office at
10 that time?

11 A I left, went back to my desk. I don't
12 recall if he stayed at that moment or walked out.

13 Q Did he say why he wanted to know where
14 things were in that office?

15 A I don't recall if he told me that or not.

16 Q Did he seem to know where things were in
17 the office?

18 A I don't know if he did or not.

19 Q Were there any piles of documents on
20 Mr. Foster's desk at this time?

21 A Yes, he had various piles.

22 Q You don't have any memory today of how many

1 or how big?

2 A No. He normally kept one here and he
3 normally kept one there and he kept one here, but I
4 don't recall looking at those piles.

5 Q The record should indicate that the witness
6 was indicating various locations on the desk. The
7 only reason I do that is because "there" and "here"
8 won't mean anything in the record.

9 A Yes.

10 Q Then what happened? Did Mr. Neuwirth go
11 into the office at some point in time?

12 A Yes.

13 Q Did he say why he wanted to go in?

14 A He did not.

15 Q Did you accompany him in the office?

16 A No. I simply walked in and saw him --
17 since the door was open, I walked in and saw he was
18 seated at Mr. Foster's desk.

19 Q Did you say anything to him at that time?

20 A No.

21 Q Did he say anything to you?

22 A No.

1 Q What understanding, if any, did you have of
2 what Mr. Neuwirth was doing in there?

3 A He had a yellow tablet or white tablet, a
4 legal pad, pulled out from the drawer, the working
5 surface and -- no, he did not use that. He placed
6 the pad on the desk and he pulled the bottom desk
7 drawer out and was thumbing through those folders.

8 Q Thumbing through the folders?

9 A That's correct.

10 Q Did you remain in the office with
11 Mr. Neuwirth at that time?

12 A No.

13 Q How long did he remain in the office?

14 A I don't recall how long he was in there.

15 Q More or less than an hour?

16 A I just don't recall.

17 Q Was anyone else in there with him?

18 A Not at the time I saw him.

19 Q At any time during the course of that day
20 or during the time that Mr. Neuwirth was in there,
21 did you ever see anyone go in?

22 A I don't recall if I saw anyone in there or

1 not.

2 Q Did you yourself go back in the office at
3 any point?

4 A I did.

5 Q Mr. Neuwirth was still there?

6 A He was.

7 Q Why did you go back there?

8 A I don't recall why I walked back in.

9 Q What do you recall happening, if anything,
10 after he walked back in?

11 A He walked out and he tripped over
12 Mr. Foster's briefcase.

13 Q Mr. Neuwirth tripped over Mr. Foster's
14 briefcase?

15 A That's correct.

16 Q Do you mean literally fell down?

17 A No, I'm sorry, he kind of stumbled against
18 it.

19 Q And then what do you recall next?

20 A And then I took the satchel and moved it to
21 the front bar of his office.

22 Q Where had it been located before that?

- 1 A Against the corner edge of his desk.
2 Q And that's where Mr. Neuwirth tripped over
3 it?
4 A Yes.
5 Q And you yourself picked it up and moved it
6 to the front bar?
7 A That's correct.
8 Q Is that the same location that you had
9 earlier described Ms. Pond arranging documents?
10 A Yes.
11 Q Did you look inside the briefcase?
12 A No.
13 MR. MILLS: If I could clarify, she had
14 earlier described that Betsy Pond said she had been
15 arranging documents. Ms. Gorham never said she saw
16 anybody arranging documents.
17 MR. JOHNSON: Fair point. My only point
18 was to see whether it was the same place.
19 MR. MILLS: I understand.
20 BY MR. JOHNSON:
21 Q You did not look in the briefcase; is that
22 correct?
-

- 1 A That's correct.
2 Q When you picked it up, was it heavy or
3 light? Did it feel to you to have anything in it?
4 A It did not feel heavy to me.
5 Q If you had to guess, would you guess that
6 it was empty or nearly empty?
7 A I couldn't guess. It was enough for me to
8 carry just in one hand.
9 Q And you didn't look at all at the contents
10 of the briefcase?
11 A I did not look into the contents, no.
12 Q What next happened, if anything?
13 A I don't recall what happened after that, if
14 Mr. Neuwirth came back into the office. I only
15 recall in a shorter period of time moving the satchel
16 back to the back edge of the office.
17 Q Later in time, you took it off the front
18 bar and moved it back?
19 A To where I found it, yes.
20 Q Did you look in it at that time?
21 A No.
22 Q Did you ever look at the contents of the

1 briefcase?

2 A No.

3 Q There came a time when you were interviewed
4 by representatives of the Federal Bureau of
5 Investigation; is that correct?

6 A Yes.

7 Q That was within a couple or three weeks of
8 Mr. Foster's death. Am I remembering that generally
9 right?

10 A I don't recall when I first met with them.

11 Q Do you recall ever telling anyone that you
12 glanced at the briefcase and saw any of its contents?

13 MR. MILLS: Hold on one second. If I could
14 interject here. I can see that counsel -- I suppose
15 counsel for the minority as well have copies of that
16 report. If I could see a copy of that report,
17 please, I'd appreciate it.

18 MR. JOHNSON: Sure -- I actually don't --
19 I'm trying to refresh her memory. I don't need it as
20 an exhibit, but you're welcome to see it.

21 (Pause.)

22 MR. MILLS: Thank you. I've had a chance

1 to review that.

2 BY MR. JOHNSON:

3 Q Ms. Gorham, we're not keeping secrets
4 here. Our information indicates that you may have
5 told the Federal Bureau of Investigation closer in
6 time to Mr. Foster's death that you did observe
7 something in Mr. Foster's briefcase and I'm trying to
8 refresh your recollection about whether or not you
9 ever told anyone that.

10 A Yes. When I picked up the satchel, out of
11 the corner of my eye, I could see that there was
12 yellow in the bottom of the satchel and the top of a
13 gold craft folder like that Mr. Kravitz has there,
14 that color of gold, a file folder such as that.

15 Q When you say you picked up the satchel, do
16 you mean the time after Mr. Neuwirth stumbled over
17 it?

18 A That's correct.

19 Q When you picked it up off the floor?

20 A That's correct. I picked it up by one
21 handle and picked up the other handle and put it into
22 my left hand.

1 Q By picking it up with one handle as you've
2 described this briefcase, the top would have opened;
3 is that correct?

4 A That's correct.

5 Q When you looked inside, you saw -- I want
6 to be as clear as I can be here -- what did you see?

7 MR. MILLS: If I could just object. The
8 witness has stated, as I understand the testimony --
9 you can read it back -- that she didn't look into
10 it. She noticed, as she was picking it up, she
11 noticed out of the corner of her eye something
12 inside. I don't know if this is going to be an
13 important distinction but she did not consciously
14 look into the briefcase. She noticed something out
15 of the corner of her eye and that may explain --

16 MR. JOHNSON: It may. That's a good point.

17 BY MR. JOHNSON:

18 Q You didn't examine the contents of the
19 briefcase; correct?

20 A No, sir.

21 Q And you didn't look in it with
22 deliberation, you didn't open it up and say gosh, I

1 better see what's in here or anything like that?

2 A No.

3 Q It's just in picking it up, your eye caught
4 something?

5 A The color yellow, yes.

6 Q How large was the thing that you saw?

7 A I have no idea what size it was. It was
8 just simply the color of yellow.

9 Q And as you were referring to the gold color
10 of Mr. Kravitz's files here, did you mean to say that
11 you saw a file or are you just using it as a
12 reference for the color?

13 A No, I saw the top of a file folder such as
14 that and it was that color. It had a -- it has a cut
15 at the top of it.

16 Q So there was a -- to the best of your
17 recollection, there was a file folder in there?

18 A Yes, sir.

19 Q And is that the color yellow you saw or did
20 you see something else the color yellow?

21 A Something else that was the color yellow.

22 Q And you indicated to the FBI or their notes

1 indicate that you may have said it was Post-it notes
2 or something like that?

3 A That's correct.

4 Q Do you think you saw Post-it notes or are
5 you using that as a comparison for the color yellow?

6 A No, I'm not using that as a comparison
7 because frequently Mr. Foster used the miniature size
8 Post-it notes and he frequently asked me to drop a
9 couple of them into the bottom of his attache case.

10 Q The corner of the folder that you saw in
11 there or the top of the folder with the notch in it,
12 is that what you said?

13 A Yes.

14 Q Could you see in the glimpse that you had
15 whether or not that folder had anything in it?

16 A No, sir.

17 Q Did you see anything else?

18 A No, sir.

19 MR. JOHNSON: Counsel, just give me a
20 second, if you would.

21 (Pause.)

22 BY MR. JOHNSON:

1 Q Ms. Gorham, when were you first interviewed
2 by anyone investigating Mr. Foster's death or the
3 events surrounding Mr. Foster's death, do you recall?

4 A I believe it was the Park Police.

5 Q And do you recall what day they interviewed
6 you?

7 A I can't recall if it was Wednesday or
8 Thursday following his death.

9 Q It would have been the 21st or 22nd of
10 July; is that correct?

11 A Yes.

12 Q So at that time you're clear in your mind
13 it was before you and Mr. Neuwirth were in
14 Mr. Foster's office on Monday the 26th?

15 A Yes.

16 Q Obviously at that time you had not even
17 glimpsed any of the contents of Mr. Foster's
18 briefcase; is that correct?

19 A That's correct.

20 Q And then you were interviewed later in time
21 by the Federal Bureau of Investigation; is that
22 right?

1 A That's correct.

2 Q And that was, I take it, after Monday the
3 26th when you and Mr. Neuwirth had been in
4 Mr. Foster's office; am I right about that?

5 A Yes.

6 Q Do you think you told the FBI investigator
7 or investigators at that time about the folder that
8 you observed in Mr. Foster's briefcase?

9 A I don't recall if I did or did not.

10 Q But as you sit here today, at least, you
11 have a pretty clear memory that you saw at least two
12 things, one this yellow thing which you take to be a
13 Post-it note and the other, the top edge of a folder
14 that you were familiar with?

15 A Yes.

16 MR. KRAVITZ: I object to that question. I
17 don't think that Ms. Gorham said that she took that
18 yellow thing to be a Post-it note. The record speaks
19 for itself, but I think you've mischaracterized her
20 testimony.

21 MR. JOHNSON: Didn't mean to.

22 BY MR. JOHNSON:

1 Q Was it a Post-it note or something that
2 looked like a Post-it note?

3 A Simply the color of yellow.

4 Q What did you think it was, or maybe you
5 didn't think about it at all?

6 A I didn't think about it.

7 Q And I think you were telling me later in
8 time, you moved the briefcase from the front bar to
9 somewhere else in the office?

10 A That's correct.

11 Q Where did you put it in the office?

12 A I moved it back to the corner of his desk
13 or back up against the wall, which was about 8 inches
14 away from that corner.

15 Q Did Mr. Neuwirth return to the office at
16 any point in time?

17 A I don't recall.

18 Q Still focusing on the 26th, which is, I
19 think, we've identified the Monday following
20 Mr. Foster's death, did anything else happen on that
21 day? Did you have any occasion to reenter
22 Mr. Foster's office on that day?

- 1 A I cannot think of any other occasion.
- 2 Q On that day or at any other time, did you
- 3 or anyone else sort of pack up Mr. Foster's office?
- 4 A That's correct, yes.
- 5 Q When was that?
- 6 A Either Tuesday or Wednesday, Mr. Nussbaum
- 7 asked me to come into Mr. Foster's office.
- 8 Q Was Mr. Nussbaum in Mr. Foster's office?
- 9 A Along with Mrs. Williams.
- 10 Q And by Tuesday or Wednesday, do you mean of
- 11 the week following Mr. Foster's death?
- 12 A Yes, I do.
- 13 Q Therefore, that would be the 27th or 28th
- 14 of July?
- 15 A That's correct.
- 16 Q Mr. Nussbaum was in that office. Maggie
- 17 Williams was in that office?
- 18 A Yes.
- 19 Q Anyone else?
- 20 A No, sir.
- 21 Q What did Mr. Nussbaum say to you when he
- 22 asked you to come into the office?

- 1 A He asked me to give him -- to cite to him a
- 2 listing of what was contained in the file folder --
- 3 in the drawer which contained file folders of the
- 4 President's personal and financial matters.
- 5 Q Did you do that?
- 6 A I started to.
- 7 Q What interrupted you, if anything?
- 8 A Mr. Nussbaum interrupted me and told me he
- 9 would continue it himself.
- 10 Q Did he ask you to leave the office?
- 11 A He did not ask me to leave, but I did.
- 12 Q He just said I'll do it from here?
- 13 A Yes.
- 14 Q And where were physically the
- 15 President's -- I don't mean to misstate this. If I
- 16 do, correct me. You described it as the President's
- 17 personal financial information; is that correct?
- 18 A That's correct.
- 19 Q Any other thing?
- 20 A Any other --
- 21 Q Did he ask you for anything other than the
- 22 President's personal financial information?

- 1 A No, he did not.
- 2 Q Where physically in the office was that
3 located at that time, if you recall?
- 4 A If you were seated at Mr. Foster's desk, it
5 was on his left and it was in a top file cabinet, top
6 drawer of a two-drawer file cabinet.
- 7 Q Was the file cabinet closed?
- 8 A When I entered that day?
- 9 Q Yes, ma'am.
- 10 A The best I can recall it was.
- 11 Q And did you walk over to the file cabinet
12 and kind of pull out documents and show them to
13 Mr. Nussbaum?
- 14 A No, sir. I simply opened the file drawer
15 and started to read to him the labels that sit in a
16 plastic sleeve above the filing folder.
- 17 Q And it's at that point that Mr. Nussbaum
18 told you he would do it from that point?
- 19 A That's correct.
- 20 Q Did Ms. Williams say anything when you were
21 in the office?
- 22 A Not that I recall.

- 1 Q Did you play any further role in the
2 packing up or gathering of documents in Mr. Foster's
3 office, either on that day or at any time?
- 4 A Yes, sir.
- 5 Q Was it on that day?
- 6 A No, it was not.
- 7 Q What else, if anything, did you do on this
8 day, which I think we've identified as the 27th or
9 28th of July?
- 10 A The only thing I recall was to -- been
11 seated at Mr. Foster's chair and to have pulled out
12 the middle desk drawer of his desk.
- 13 Q And this was on the 27th or 28th?
- 14 A On the 27th.
- 15 Q What did you find in there?
- 16 A I found personal things, some checks and
17 his life insurance policy and some Tic-Tacs.
- 18 Q What did you do with those?
- 19 A I simply closed the drawer.
- 20 Q Anything else that you recall on the 27th
21 or 28th?
- 22 A No, other than, of course, telling

1 Mr. Nussbaum later that afternoon that -- I asked him
2 did you go through the main desk drawer because
3 Mr. Foster's life insurance policy was in there.
4 Q And what did Mr. Nussbaum say?
5 A He asked me to retrieve it for him.
6 Q Did you do that?
7 A I did.
8 Q Did you take anything else at that time?
9 A No.
10 Q When you went back in there, had documents
11 at this point in time -- strike that, Julie.
12 This, I take it, was after your earlier
13 conversation with Mr. Nussbaum that took place in
14 Mr. Foster's office?
15 A That's correct.
16 Q And you went in later in the day after
17 Mr. Nussbaum and Ms. Williams had left; is that
18 correct?
19 A That's correct.
20 Q Had they taken any documents with them when
21 they left or any of the contents of the office, to
22 the best of your knowledge?

1 A I do not know if they took folders. I know
2 there were two boxes on Mr. Foster's sofa.
3 Q Did they have anything in them?
4 A I did not notice anything in there when I
5 arrived, when Mr. Nussbaum asked me to go through the
6 file drawer.
7 Q What about when you came back later in the
8 afternoon and pulled Mr. Foster's center desk drawer
9 out, did you notice whether the boxes were still
10 there?
11 A They were not there.
12 Q Anything else happen on the 27th or 28th,
13 this day we're trying to place in time, in terms of
14 the contents of Mr. Foster's office?
15 A No, other than these two boxes were
16 removed. I had asked Mr. Castleton if he would carry
17 them for Mrs. Williams.
18 Q When were the boxes removed?
19 A It wasn't long after -- of course, I had
20 left the office and he had asked me -- I had left the
21 office because he said he would find those himself.
22 Q And later in time on that same day someone

- 1 removed the boxes?
- 2 A Yes, Mr. Castleton.
- 3 Q How did you know to ask Mr. Castleton to
- 4 help?
- 5 A They had asked me if someone could help
- 6 move these boxes, and I asked Tom if he would help.
- 7 Q Who asked you?
- 8 A I believe Mr. Nussbaum would have.
- 9 Q Did you have any understanding -- did
- 10 Mr. Nussbaum say where the boxes were going?
- 11 A He did not.
- 12 Q Now, you said you asked Mr. Castleton to
- 13 help Ms. Williams. Why were you helping
- 14 Ms. Williams? Were they going to her office?
- 15 A I don't know where they were going, but she
- 16 was taking them.
- 17 Q They were going with her?
- 18 A They were going with her, yes.
- 19 Q Did Mr. Castleton literally get right up
- 20 and go help at that time?
- 21 A When I asked him to, yes.
- 22 Q So I take it he had to go into Mr. Foster's

- 1 office to do that?
- 2 A That's correct.
- 3 Q And when he came back out, was he carrying
- 4 one or two boxes?
- 5 A Two.
- 6 Q Stacked one on top of the other?
- 7 A That's correct.
- 8 Q Did it look heavy to you?
- 9 A I couldn't tell.
- 10 Q Didn't seem to be strange under the weight
- 11 of it?
- 12 A I really didn't notice.
- 13 Q Was Ms. Williams with him?
- 14 A Yes.
- 15 Q Was she carrying anything?
- 16 A Not that I recall.
- 17 Q And they walked out of the White House
- 18 counsel's office; is that right?
- 19 A The anteroom, that's correct.
- 20 Q You don't have any understanding of where
- 21 they went?
- 22 A No, I don't.

- 1 Q How long was Mr. Castleton gone?
2 A I don't recall.
3 Q Do you recall whether it was a minute, five
4 minutes, half an hour?
5 A I'm sorry, I just don't recall.
6 Q Did he come back? Was there a time later
7 in that day when he returned?
8 A I believe he probably did, yes.
9 Q Did you ask him where he took the boxes?
10 A I did not.
11 Q Did he say where he had taken the boxes?
12 A No.
13 Q You just don't know where they went?
14 A No.
15 Q Do you today know where they went?
16 A No, I do not.
17 Q Do you know what was in them?
18 A I do not.
19 Q Coming back to the briefcase, when you went
20 into the office on the 27th or 28th, was the
21 briefcase where you had placed it on the 26th, to the
22 best of your knowledge?
-

- 1 A I don't recall where it was placed.
2 Q You don't remember seeing it again?
3 A No, I do remember seeing it again, but I
4 don't recall where it was placed.
5 Q Were you ever physically present in the
6 office when Mr. Neuwirth or anyone else was packing
7 up the briefcase?
8 A Packing the briefcase?
9 Q Yes.
10 A I don't know anything about a briefcase
11 being packed.
12 Q Were you ever in the office when
13 Mr. Neuwirth was packing anything up?
14 A No.
15 Q Other than what we've just described as
16 having taken place, the removal of the boxes by
17 Mr. Castleton on the 27th or 28th, what's the next
18 thing that you recall about the contents of
19 Mr. Foster's office?
20 A Mr. Nussbaum asked me to pack away what I
21 considered his more personal items.
22 Q Do you know when Mr. Nussbaum asked you to

1 do that?

2 A It was either that afternoon or the
3 following day.

4 Q Did you do that?

5 A I did.

6 Q And so you went physically into
7 Mr. Foster's office; is that correct?

8 A Yes.

9 Q Could you tell at that time whether
10 anything had been removed?

11 A No. I did not look for anything to be
12 removed. I did not make a comparison of what was
13 remaining.

14 Q And what sort of personal effects or items
15 were you looking for to pack up?

16 A Those items that clearly were extremely
17 personal and probably had significance only possibly
18 to his wife or his family.

19 Q Photographs?

20 A Tic-Tacs, candlesticks.

21 Q Personal effects, no documents?

22 A That's correct, no documents.

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1 Q To the best of your knowledge, Ms. Gorham,
2 did anyone ever listen to the Dictaphone tapes in
3 Mr. Foster's office at the time of Mr. Foster's
4 death?

5 A I listened to Dictaphone tapes. I do not
6 recall if they came from his office or mine.

7 Q Did someone ask you to do that?

8 A Yes.

9 Q Who asked you to do that?

10 A Clifford Sloan.

11 Q Do you remember when Mr. Sloan asked you to
12 do that?

13 A I don't recall what day or what week
14 following his death.

15 Q Can you place it in time as right after
16 Mr. Foster's death or some number of days after
17 Mr. Foster's death?

18 A I believe it was some number of days.

19 Q Did Mr. Sloan give you the tapes, or did he
20 just ask that you go and find them and listen to
21 them?

22 A I don't recall.

1 Q What else, if anything, did Mr. Sloan say?

2 A He asked me to review these tapes and I
3 cannot remember if he asked me to tell him what was
4 on each or make a listing of what was on each, or if
5 there's anything on there that he should know about.
6 I don't recall that conversation, only the process.

7 Q How many tapes do you think you listened
8 to?

9 A Six or eight, probably no more than 10.

10 Q Was there anything remarkable on any of
11 them?

12 A Only one item. A piece of dictation that
13 was -- we had done several weeks ago, I sat there and
14 laughed because his dictating style was not garbled
15 but it was so deeply southern, that I was probably
16 the only one that could have understood it.

17 Q And it was remarkable to you because it was
18 humorous?

19 A It was, yes, humorous.

20 Q Anything else?

21 A No.

22 Q What did you do with the tapes afterwards?

1 Did you give them to someone, or did you just sort of
2 return them to inventory?

3 A I don't recall. I'm sorry.

4 Q All right. Anything else that you recall
5 in connection with the contents of Mr. Foster's
6 office?

7 A About packing?

8 Q Well, that's a thing --

9 A No, I don't.

10 Q At some point in time, was everything
11 removed from that office?

12 A I have no idea.

13 Q When you left the White House counsel's
14 office in September, I take it everything had not
15 been removed from that office at that time?

16 A I really don't know. I'm sorry, I think I
17 should add that when I finally packed two boxes of
18 really personal items, I did complete that project,
19 and they were taken out of his office.

20 Q Who took them out?

21 A Myself and Tom Castleton.

22 Q Where did you take them?

- 1 A To the law offices of Swidler & Berlin.
2 Q You physically delivered them to
3 Mr. Hamilton or someone in Mr. Hamilton's office?
4 A A young associate, yes.
5 Q In the course of that trip, did
6 Mr. Castleton shed any light on where he had taken
7 the other boxes that he had removed for Ms. Williams?
8 A No.
9 Q Anything else in which you participated
10 with respect to the contents of Mr. Foster's office?
11 A Only one other time, and it was a call from
12 a young woman who was looking for some particular
13 information on the Health Reform Act.
14 Q This was sometime after Mr. Foster's death?
15 A Even longer, yes.
16 Q Did you go in and look for it?
17 A I did.
18 Q Did you find it?
19 A I could not locate what she was looking for
20 specifically.
21 Q I take it that you were not present when
22 Mr. Neuwirth or someone found a torn-up note in
-

- 1 Mr. Foster's briefcase; is that correct?
2 A It is.
3 Q And the first you learned about that was
4 when Betsy Pond told you something had been found?
5 A That's correct.
6 Q I think you testified a few moments ago
7 that either on the 21st or perhaps the 22nd you were
8 interviewed by the Park Police; is that right?
9 A I believe it was the Park Police. They
10 showed me their identification.
11 Q How did you learn that the Park Police
12 wanted to interview you?
13 A Mr. Neuwirth told me.
14 Q Did you attend a meeting with Mr. Neuwirth
15 in advance of the Park Police interviews?
16 A Yes, I did.
17 Q What do you recall about that meeting --
18 Mr. Neuwirth, did he tell you he was going to act as
19 your attorney?
20 A He did.
21 Q He was going to represent you personally?
22 A He did not. He said he could only simply

1 remain present as a representation of the White House
2 counsel's office.

3 Q So your understanding was that he was not
4 your personal attorney?

5 A That's correct.

6 Q What happened in your meeting with
7 Mr. Neuwirth before the Park Police?

8 A He told me to simply tell them everything I
9 knew and to tell them the truth.

10 Q Did he ask you questions? Did you sort of
11 do a shorter version of what we're doing here today?
12 Did he try and learn what had happened?

13 A No, sir, he did not.

14 Q Was anyone present during your meeting with
15 Mr. Neuwirth?

16 A Mr. Nussbaum.

17 Q What, if anything, did Mr. Nussbaum say?

18 A I don't recall what his contribution was.

19 Q But the gist of this meeting was tell them
20 what they want to know, tell them the truth, that
21 kind of thing?

22 A That's correct.

1 Q And were you interviewed by the Park
2 Police?

3 A I was interviewed by two gentlemen. I can
4 only assume one was the Park Police. I don't know
5 the jurisdiction of the other.

6 Q And they just wanted to talk to -- they
7 were really investigating Mr. Foster's death; is that
8 correct?

9 A I believe so, and my presence.

10 Q At some time during that interview with the
11 Park Police, did you and Mr. Neuwirth leave the
12 interview for a brief period of time?

13 A I believe that we left during that period
14 of time.

15 Q And then you came back into the interview;
16 is that right?

17 A That's correct.

18 Q What happened during the period of time
19 that you and Mr. Neuwirth left?

20 A I spoke with him about a, the best I can
21 remember, about a clarification of a statement I made
22 regarding a financial matter of Mr. -- of the family,

1 of the Foster family and their request that I obtain
2 a weekly account balance of the checking account by
3 Mrs. Foster.

4 Q Did you ask Mr. Neuwirth to step outside
5 and talk with him about that?

6 A I can't remember if I did or if he asked me
7 to.

8 Q How would he have known to ask you to step
9 outside and talk about that?

10 A I don't know. Perhaps it was something in
11 the manner in which I made a statement. I don't
12 know. I just don't recall.

13 Q And then later in time on that same day, it
14 sounds like, you met with the investigators again; is
15 that right?

16 A I believe --

17 MR. MILLS: If I could interject, again,
18 you're referring to -- counsel is referring to a
19 document when asking questions. If I could have an
20 opportunity to look at that. Thanks.

21 (Pause.)

22 BY MR. JOHNSON:

1 Q I think, Ms. Gorham, the question that was
2 pending was whether or not you recalled, later in the
3 day, meeting again very briefly with the Park Police
4 investigators?

5 A After 23 months, I think -- I think there
6 was a second meeting.

7 Q I'm not trying to be at all mystical about
8 it. I'm trying to get your independent
9 recollection. The Park Police notes suggest later
10 that day you may have met with them briefly again to
11 report that Mr. Foster's son had been inquiring about
12 his well-being. Does that generally refresh your
13 recollection?

14 A It does. I just cannot tell you in which
15 meeting it occurred.

16 Q You do remember telling the Park Police
17 that at some point in time you had received telephone
18 calls about Mr. Foster's well-being?

19 A His son had simply asked how is he doing.

20 Q Let me just try and tie up a couple loose
21 ends in my mind. I take it, as you sit here today,
22 excluding things you may have learned in

1 conversations with your counsel, you don't know
 2 whether or not anyone entered Mr. Foster's office on
 3 the 20th, the evening of his death; is that right?

4 A I don't.

5 Q Whether or not anyone entered that office,
 6 do you have any reason to believe anything was
 7 missing or taken from that office based on what you
 8 know?

9 A I never saw documents being actually
 10 removed from the office. I never saw a file folder
 11 going into a box or in hand with someone leaving.

12 Q You must know you've said that in a way
 13 that's going to cause me to ask more questions. Do
 14 you have some reason to believe there was something
 15 taken out of Mr. Foster's office?

16 A Well, Tom Castleton carried two boxes out.

17 Q Now, this is the event that you have
 18 described to me as having occurred on the 27th or
 19 28th of July?

20 A That's correct. I can't believe that there
 21 would not be anything in those boxes, for people to
 22 carry two boxes out.

1 Q Other than what may be in the boxes that
 2 Mr. Castleton removed on the 27th or 28th of July,
 3 other than what may have been in there, do you have
 4 any reason to believe that anything else was removed
 5 from Mr. Foster's office?

6 A Other than the two boxes that I packed?

7 Q Which you've described as Mr. Foster's
 8 personal effects.

9 A Extremely personal items.

10 Q So the personal items obviously you
 11 removed?

12 A Yes.

13 Q And you observed Mr. Castleton taking two
 14 boxes out?

15 A That's correct.

16 Q You don't know the contents of those boxes?

17 A I do not know.

18 Q Other than those things that you've just
 19 described, do you have any reason to believe that
 20 anything else was removed from Mr. Foster's office?

21 A I never saw anything else removed from his
 22 office.

1 Q And based on everything you know, you
2 didn't suspect something was missing, you didn't find
3 something missing, you didn't observe that a file had
4 been there on the 20th but was not there on the 21st
5 or anything like that?

6 A To be clear, the only other -- the only
7 other thing that was missing was when I opened up the
8 file drawer that contained the President's and First
9 Lady's folders, personal financial matters, I always
10 maintain a slip sheet or an index in the front of
11 that drawer and when I opened it, it was not there.

12 Q This was in the meeting with Mr. Nussbaum
13 and Ms. Williams, which you identified as the 27th or
14 28th of July?

15 A Yes.

16 Q And Mr. Nussbaum asked you where the
17 President's personal financial information was;
18 correct?

19 A That's correct.

20 Q And you opened up the folder, the file; is
21 that right?

22 A Yes, the drawer.

1 MR. MILLS: The file drawer.

2 BY MR. JOHNSON:

3 Q And an index of the contents of that drawer
4 would normally have been there; is that correct?

5 A It would have normally have been there,
6 yes.

7 Q And you personally maintained that index?

8 A I did.

9 Q It's a document that you created?

10 A That's correct.

11 Q How do you know it wasn't there?

12 A By sight. It wasn't there.

13 Q You're certain?

14 A Absolutely.

15 Q Did you remark on that at the time to
16 Mr. Nussbaum or Ms. Williams?

17 A No.

18 Q Have you ever remarked on that to anyone?

19 A I believe in testimony.

20 Q Don't tell me about any testimony you may
21 have given in connection with the Independent
22 Counsel's office. Was anything else missing from

1 that information?

2 A No, sir.

3 Q Did you flip through the personal financial
4 information to ascertain whether or not it was there,
5 or whether or not all of it was there?

6 A No.

7 Q Are you saying it was all there or you
8 don't know whether it was all there or not?

9 A You mean "it was all there," meaning the
10 file folders?

11 Q Yes, ma'am.

12 A Oh, I have no idea.

13 Q The only thing you can say for certain is
14 the index that you prepared was not there?

15 A That's correct.

16 Q As you sit here today, have you ever seen
17 it since? In other words, did you ever find out
18 where it was?

19 A No, I never found out what happened to it.

20 Q And you have not laid eyes on it since?

21 A Not on the paper that should have been
22 there.

1 Q Did you ever ask anyone what might have
2 happened to it?

3 A No.

4 Q Now, we've talked about the two boxes of
5 personal effects that you took out, and we've talked
6 about the two boxes that Mr. Castleton took out, and
7 we've talked about this index to the President's
8 personal financial information, which you said was
9 not there when you opened the file on the 27th or
10 28th. Other than those things, are you aware that
11 anything else -- whether or not anything else was
12 removed or was missing from Mr. Foster's office?

13 A Not to keep adding on, but whether this is
14 immaterial or not, there was a photograph of the
15 President and the First Lady and Vince Foster. I
16 don't know when that was removed and for what reason.

17 Q It just wasn't there when you went to pack
18 up the personal effects?

19 A That's correct. I don't know if someone
20 had taken it out earlier.

21 Q Anything else come to mind?

22 A No, sir.

1 Q What about the black and white photo of the
2 President, Mr. McLarty and Mr. Foster as school
3 chums? Was that in the office when you packed up his
4 personal effects?

5 A No.

6 Q Do you know where that was?

7 A No, I don't.

8 Q Did you ever -- were you ever personally
9 aware that Mr. Foster -- strike that, Julie.

10 Did Mr. Foster maintain a file in his
11 office related to the Whitewater Development
12 Corporation, to the best of your knowledge?

13 A Yes, he did.

14 Q Where was that file physically maintained?

15 A In the file drawer that contained the
16 President's and First Lady's folders.

17 Q The financial information we've just been
18 discussing?

19 A That's correct.

20 Q Was that folder indicated on the index to
21 documents that you prepared?

22 A I don't recall if it was or not. When I

1 would prepare an index, normally everything would be
2 contained on it, but I couldn't tell you if it was on
3 there or not.

4 Q Do you have any recollection today of how
5 the folder was labeled?

6 A It was simply Whitewater.

7 Q It just said Whitewater on it. So would it
8 have been your practice on the index to show a folder
9 named Whitewater?

10 A It would have been, yes.

11 Q When you opened the file cabinet on the
12 27th or 28th and noticed that the index was not
13 there, did you look to see whether or not the
14 Whitewater file was there?

15 A No, sir.

16 Q So you don't know one way or the other
17 whether it was there or not?

18 A I do not.

19 Q Any reason, Ms. Gorham, in your mind to
20 think that anything else was missing through whatever
21 source, had been removed or was generally missing?
22 Did you notice anything else?

1 A No, sir.

2 Q Did you notice at any time anything else
3 missing from the White House counsel's office suite?

4 A No.

5 Q You never went to look for something and
6 thought oh, that's odd, where is that?

7 A Not that I recall.

8 Q To the best of your knowledge -- I don't
9 mean this as a memory test of the entire transcript
10 from this morning -- but to the best of your
11 knowledge, have we talked about everything that you
12 know relating to Mr. Foster's documents and his
13 personal possessions in his office?

14 MR. MILLS: I'm going to object to that
15 question. There's no possible way she could know if
16 we've talked about every possible thing that she
17 could know about --

18 MR. JOHNSON: Whatever she remembers. I
19 tried to state it's not a memory test. I'm asking if
20 there's anything in her mind that relates to any of
21 this that we haven't talked about.

22 THE WITNESS: No. No, sir.

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1 MR. JOHNSON: Ms. Gorham, thank you very
2 much for your patience. This has taken a long time,
3 and I really appreciate your patience. Mr. Kravitz
4 will have some questions for you and at the end of
5 that, I'd like to say a word about confidentiality.
6 But again, thank you very, very much.

7 MR. KRAVITZ: Why don't we go off the
8 record and talk about timing.

9 (Discussion off the record.)

10 (Recess.)

11 EXAMINATION

12 BY MR. KRAVITZ:

13 Q Ms. Gorham, my name is Neal Kravitz and I'm
14 counsel for the minority members of the Senate
15 Whitewater Committee. I'm going to go through some
16 of the same subject areas that Mr. Johnson already
17 asked you questions about. I'm going to try not to
18 be repetitive. To the extent that I have to refresh
19 your memory about what we were talking about, I
20 apologize for being repetitive, but I really will try
21 to be as little repetitive as possible.

22 I want to ask you a few questions about

1 Mr. Foster's briefcase and other briefcases that may
2 or may not have been present in the White House
3 counsel's office suite during the time that you
4 worked there. You described one briefcase and
5 identified it as Mr. Foster's briefcase. That was
6 the navy blue satchel type briefcase?

7 A Yes.

8 Q Did you ever see Mr. Foster using or in
9 possession of any other briefcase during the time
10 that you knew him?

11 A No, sir.

12 Q Do you know what a litigation bag is?

13 A Yes.

14 Q Did you ever see one of those in the White
15 House counsel's office suite?

16 A I don't recall if I ever saw a litigation
17 bag in our offices.

18 Q What kind of a briefcase did Mr. Nussbaum
19 use, do you know?

20 A I can only remember the color. It was
21 really a kind of light tan, but I couldn't tell you
22 what style.

1 Q Did Mr. Nussbaum also have one briefcase
2 that he used exclusively, to your knowledge?

3 A I really did not notice.

4 Q I think you said something at one point
5 this morning about your practice of looking in Mr. --
6 packing up Mr. Foster's briefcase from time to time
7 or am I imagining that -- I may be imagining that.

8 Let me ask you this: I know you testified
9 about whether or not you looked in Mr. Foster's
10 briefcase on the day that Mr. Neuwirth stumbled over
11 it and you moved it a couple times. Were there any
12 times before Mr. Foster's death that you looked in
13 Mr. Foster's briefcase?

14 A No.

15 Q You never carried it anywhere?

16 A No.

17 Q Or brought it to him?

18 A No.

19 Q Did you ever take any files out of
20 Mr. Foster's briefcase before his death?

21 A No, sir.

22 Q Mr. Johnson asked you a couple of questions

1 about what you told the FBI investigators in the
2 summer of 1993 about what you saw that day that
3 Mr. Neuwirth stumbled over Mr. Foster's briefcase in
4 Mr. Foster's office and you moved it a couple of
5 times. Do you remember those questions?

6 A I do.

7 Q Our notes -- actually not our notes, but
8 the FBI notes indicate that you stated that the items
9 that you saw in the bottom of Mr. Foster's briefcase
10 may have been Post-it notes or may have been pieces
11 from a sheet of yellow paper. Did you tell the FBI
12 agents what I just mentioned?

13 A I don't recall stating it that way.

14 Q What do you recall saying to the FBI when
15 they interviewed you in the summer of 1993?

16 A Are you speaking of June 21st or 22nd? Or
17 July -- June, excuse me.

18 MR. JOHNSON: July.

19 BY MR. KRAVITZ:

20 Q Sorry. I know this gets confusing after a
21 while. I can be mistaken. My understanding of your
22 testimony is this: these statements to the FBI refer

1 to July 26, 1993 when Mr. Neuwirth was in
2 Mr. Foster's office, and you were in there as well on
3 occasion.

4 A I understand.

5 Q And I think that was the time that you
6 moved the briefcase and noticed something yellow, and
7 also noticed a gold file folder?

8 A The top of the gold file folder, yes,
9 that's correct.

10 Q When you were talking to the FBI in -- I
11 think the date is -- these notes indicate that your
12 interview was on August 3, 1993. Does that sound
13 about right, your FBI interview?

14 A I do not recall meeting with them in August
15 of 1993.

16 Q You testified earlier that you do recall
17 being interviewed by FBI agents at some time?

18 A I'm sorry, the earliest that I can recall
19 being interviewed by FBI agents was in 1994.

20 Q When was that?

21 A Possibly April.

22 MR. MILLS: Counsel, could I see the form,

1 please?

2 MR. KRAVITZ: Yes, you may and just for the
3 record, what I'm showing Ms. Gorham's lawyer are two
4 documents marked FBI 44 and FBI 45.

5 BY MR. KRAVITZ:

6 Q When you were answering Mr. Johnson's
7 questions earlier about what you told the FBI
8 relating to the day in Mr. Foster's office, July
9 26th, when you saw the top of the gold file folder
10 and the yellow pieces of paper in Mr. Foster's
11 briefcase, were you referring to an interview with
12 the FBI that you remember occurring in 1994?

13 MR. MILLS: I'm going to object. She only
14 said that she saw yellow and when she glanced -- she
15 saw out of the corner of her eye. So with that
16 correction, I have no objection to the question.

17 BY MR. KRAVITZ:

18 Q When you were answering questions about
19 your conversation -- your interview with the FBI,
20 were you remembering in your testimony that it
21 occurred in 1994?

22 A Yes.

1 Q You have no recollection of being
2 interviewed by FBI agents in July of 1993?

3 A I'm sorry. I just can't recall back then,
4 that anything occurred then, and I base that on
5 seeking counsel and the first -- I can't even
6 remember. I might be wrong, but the first I can
7 remember is 1994.

8 Q And what part of 1994 was that?

9 A Maybe it was around March or April.

10 Q At any time, do you remember telling FBI
11 agents who were interviewing you that the yellow that
12 you saw inside Mr. Foster's briefcase on July 26th
13 could have been Post-it notes or also could have been
14 pieces of a yellow sheet of paper?

15 A If I had stated that, it would --

16 MR. MILLS: I want to object before you
17 answer this. This may very well get into Independent
18 Counsel's investigation, if that's what you're
19 intending to do, so if you want to have her answer
20 that --

21 MR. KRAVITZ: I think she should answer
22 that because to the extent that that does go into the

1 Independent Counsel's investigation, I think it was
 2 done unintentionally by Mr. Johnson and I think once
 3 we're in there, we need to have the record completed
 4 at least as to this one point.

5 MR. MILLS: I don't know if you're
 6 interested in moving this along a little bit. I
 7 might be able to clarify some of this. I think
 8 there's a very distinct possibility that the FBI may
 9 have posed as a question could it have been torn up
 10 yellow pieces of paper and Ms. Gorham said it could
 11 have been. That may explain that that's the way the
 12 report was written but Ms. Gorham would still
 13 maintain she didn't characterize it that way.

14 MR. JOHNSON: Why don't you ask her if
 15 that's right.

16 MR. KRAVITZ: I'll ask the question.

17 MR. JOHNSON: Why don't we go off the
 18 record for a second.

19 (Discussion off the record.)

20 BY MR. KRAVITZ:

21 Q Let me ask you the questions more directly
 22 without relation to what you told the FBI. Tell us

1 in the greatest detail you can what this yellow was
 2 that you saw out of the corner of your eye on July
 3 26, 1993.

4 A I do not recall any form or writing or
 5 lines. I only remember the color of yellow. I don't
 6 remember the shape or size.

7 Q So it's not your testimony that you
 8 specifically saw a Post-it or more than one Post-its
 9 in the briefcase?

10 A That is correct.

11 Q And what you saw yellow could have been a
 12 torn-up piece of yellow legal paper?

13 A It would only be speculation as to what it
 14 was.

15 Q Let me ask it this way: You couldn't tell
 16 from what it was that you saw that was yellow that it
 17 was something other than a torn-up piece of yellow
 18 pad paper, could you?

19 A I'm sorry. Would you rephrase that for me.

20 Q Can you say that what you saw that was
 21 yellow in Mr. Foster's briefcase was other than a
 22 torn-up piece of yellow pad paper?

1 A I cannot.

2 Q So it could have been that -- that's all
3 right. Don't worry about it. Strike that question.
4 I don't mean to confuse you any further.

5 You testified earlier that on the night of
6 July 20th, 1993 you were called first by Linda Tripp
7 and then by Mr. Nussbaum; is that correct --

8 A That's correct.

9 Q -- to be informed of Mr. Foster's death.
10 And you were at home when you received those
11 telephone calls?

12 A I was.

13 Q You testified that Mr. Nussbaum called
14 you -- I think initially you said sometime close to
15 midnight and then I think later you said sometime
16 between 11:30 and midnight. Can you pinpoint that at
17 all within that 30-minute period?

18 A No, I'm sorry, I cannot.

19 Q On July 21, 1993, the morning after
20 Mr. Foster's death, when you arrived at work, I think
21 you testified you saw Mr. Neuwirth in the White House
22 counsel's office suite; is that right?

1 A Yes.

2 Q And I believe you testified that at some
3 point early that morning you stood in the doorway to
4 Mr. Foster's office and looked in?

5 A Actually, I didn't stand in the doorway. I
6 peered around Mr. Neuwirth's shoulder whose body was
7 standing in the door well.

8 Q When you did that on the morning of July
9 21, 1993, did you notice anything about the interior
10 of Mr. Foster's office that was different than the
11 way Mr. Foster's office appeared the last time you
12 looked inside of it the day before July 20th?

13 A I did not notice anything different, but
14 then I wasn't looking for anything different.

15 Q Did you notice on the morning of July 21,
16 1993 whether the trash can in Mr. Foster's office had
17 anything in it?

18 A No, I couldn't see in that direction.

19 Q Did you notice whether -- strike that.

20 Was there a burn bag kept in Mr. Foster's
21 office during the time period that you work for him?

22 A Yes.

1 Q How many burn bags were there in
2 Mr. Foster's office?

3 A Usually one.

4 Q Was there always just one?

5 A I can never remember him needing two.

6 Q Were there any points in time when there
7 were no burn bags in Mr. Foster's office, or was
8 there always a burn bag there?

9 A I don't recall if there was ever a time
10 when he didn't have one in his office. Usually it
11 was a recyclable bag.

12 Q I'm sorry, usually it was --

13 A It was a recyclable bag. I'm very sorry.
14 I cannot remember if they recycled it, they took the
15 whole bag or they emptied it. I can't remember their
16 procedure now.

17 Q How many other burn bags were there in the
18 White House counsel's suite during, say, the month
19 before Mr. Foster's death?

20 A I'm aware of one other one.

21 Q Where is that?

22 A In the anteroom where the secretaries

1 worked.

2 Q Is it that you don't know if there was a
3 burn bag in Mr. Nussbaum's office or you know there
4 wasn't one?

5 A I don't recall if there was one or not.

6 Q What about trash cans, how many trash cans
7 were kept in Mr. Foster's office?

8 A I can't remember how many there were.

9 Q Do you think there were more than one?

10 A I can't remember.

11 Q Do you have any idea how many trash cans
12 were in the anteroom area of the White House
13 counsel's office during the time period leading up to
14 Mr. Foster's death?

15 A There might have been approximately five or
16 six.

17 Q Where was your desk located, by the way?

18 A When you walked in the front door, it was
19 the first desk, in the front on the left.

20 Q So in other words, you were not at the desk
21 closest to Mr. Foster's office?

22 A I was not.

1 Q Who was at that desk?

2 A Betsy Pond.

3 Q To your knowledge, how often did the trash
4 cans in the White House counsel's office suite get
5 emptied?

6 A Every day.

7 Q And that happened overnight?

8 A Usually, we would see them in the
9 afternoon. I cannot recall whether the service came
10 in at night also. I don't recall.

11 Q Did you notice on the morning of July 21,
12 1993 whether the burn bag in Mr. Foster's office --
13 strike that -- whether there was still a burn bag in
14 Mr. Foster's office?

15 A I couldn't notice. I couldn't see that
16 far.

17 Q I want to ask you a couple of questions
18 about what Betsy Pond told you regarding her
19 straightening of papers in Mr. Foster's office on the
20 morning of July 21, 1993. Where exactly is what you
21 described as a bar in Mr. Foster's office?

22 A It's located just inside the door

1 approximately 7, 8, 9 inches.

2 Q You can reach it without actually stepping
3 into Mr. Foster's office?

4 A You would have to reach pretty far. It's
5 literally one step inside.

6 Q I believe you testified that either on that
7 day, July 21, 1993 or sometime shortly after that day
8 Ms. Pond told you for the first time that she had
9 straightened up these papers, and I think you said
10 she told you -- you interpreted what she said as
11 being that she straightened up papers on Mr. Foster's
12 desk. And at some later time Ms. Pond clarified that
13 issue for you, and you understood that the papers
14 were on the bar near the door to Mr. Foster's office?

15 A That's correct.

16 Q When was it that Ms. Pond made this
17 clarification for you?

18 A I believe that it was after I had made a
19 statement. I do not recall if it was to the Park
20 Police or to the next round of questioning by what
21 other jurisdiction came next, and I had stated to her
22 that they had asked me a question about someone

1 entering the office who had made a statement to me,
2 and I had simply told them what I was told.

3 And then when I returned and told Betsy
4 that I had answered those questions, she said oh, no,
5 I meant the bar, and so I then clarified that
6 whenever the next round of questioning came about by
7 the next jurisdiction.

8 Q And your only basis for having told anyone
9 at any point that Ms. Pond told you she had
10 straightened up papers on Mr. Foster's desk was your
11 interpretation of what Ms. Pond told you initially?

12 A That's correct.

13 Q Based on what Ms. Pond has told you about
14 her straightening up these papers in Mr. Foster's
15 office on the 21st of July, do you know whether
16 Mr. Neuwirth was present when Ms. Pond did that?

17 A I don't know if he was or was not.

18 Q Do you know what time Mr. Neuwirth arrived
19 at the White House counsel's office suite on the
20 morning of July 21?

21 A No, sir.

22 Q In your experience working in the White

1 House counsel's office suite during Mr. Foster's
2 tenure there, how often did Ms. Pond go into
3 Mr. Foster's office?

4 A Probably not very often.

5 Q Can you give us an approximation of how
6 often?

7 A I really cannot. Sorry. It would be
8 simply speculative to say once a day.

9 Q So this wasn't a unique event, her going
10 into Mr. Foster's office?

11 A No, I don't think it was.

12 Q Ms. Pond was Mr. Nussbaum's secretary?

13 A Yes.

14 Q What was Ms. Tripp's position?

15 A She was also an executive assistant to
16 Mr. Nussbaum.

17 MR. MILLS: Executive assistant was the
18 same name you used -- the name used instead of
19 secretary. If I could ask this question, is an
20 executive assistant the same title that you had, that
21 Betsy Pond had, that Linda Tripp had?

22 THE WITNESS: Yes.

1 BY MR. KRAVITZ:

2 Q Were Linda Tripp and Betsy Pond at the same
3 level or was one the supervisor of the other?

4 A Not that I'm aware of. I believe they were
5 at the same level.

6 Q Now, at some time in the morning of July
7 21, 1993, the Secret Service uniformed division set
8 up a guard post at the doorway to Mr. Foster's
9 office?

10 A Yes.

11 Q Do you know whether Mr. Neuwirth was there
12 guarding the door until the point that the
13 Secret Service set up its own guard post?

14 A I don't recall.

15 Q Incidentally, you testified as of Labor Day
16 or a couple of days after Labor Day, you moved over
17 to the Old Executive Office Building?

18 A I didn't actually move over there. I went
19 over there to work.

20 Q Who were you working for there?

21 A I started working for Bill Kennedy's
22 office.

1 Q Do you know a Secret Service officer named
2 Donald Flynn?

3 A I remember a gentleman with the first name
4 Don.

5 Q Do you remember seeing this gentleman named
6 Don at the meeting in Mr. Foster's office that you've
7 described occurring a few days after Mr. Foster's
8 death?

9 A I don't recall if he was there.

10 Q I want to ask you a few more questions
11 about your interview on the 21st or 22nd of July 1993
12 with U.S. Park Police. I think you told us that
13 Mr. Neuwirth sat in throughout that interview?

14 A Yes.

15 Q Did Mr. Neuwirth at any time during that
16 interview object to any of the questions that the
17 Park Police officers were asking you?

18 A I simply don't recall. I'm sorry. It's so
19 long ago.

20 Q Did Mr. Neuwirth ever instruct you not to
21 answer any particular question or questions that the
22 Park Police officers were asking?

1 A I don't recall him instructing me to do
2 that.

3 Q In your opinion, did Mr. Neuwirth in any
4 way interfere with the Park Police officers'
5 interviews with you?

6 A I don't recall any interference on his
7 part.

8 Q When Mr. Johnson was asking you questions,
9 I think you testified about one point when you and
10 Mr. Neuwirth walked out of the office to discuss some
11 information about Mr. Foster's finances or a request
12 that had been made about those finances; is that
13 correct?

14 A That's correct.

15 Q Did Mr. Neuwirth instruct you not to tell
16 the Park Police officers about that information or
17 did he tell you to go ahead and tell them?

18 A I don't recall exactly what he said. I
19 remember I thought, considering the nature of the
20 question and the way I answered it, that a
21 clarification was necessary, and I remember
22 discussing that with him and him asking him what it

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1 was about, but I really don't recall what his
2 instructions were at all.

3 Q I want to ask you a few questions about the
4 index to the file drawer that held the President's
5 financial information, which you've testified was
6 missing at some point after Mr. Foster's death when
7 you went in to look at that drawer --

8 MR. MILLS: I'm going to object. She
9 simply testified that it wasn't in the front of the
10 drawer. "Missing" may have a lot of connotations and
11 it just wasn't there at the time.

12 BY MR. KRAVITZ:

13 Q It wasn't there when you were looking for
14 it; is that right?

15 A That's correct.

16 Q How many pages was that index?

17 A I only recall, to the best of my memory,
18 that it was one.

19 Q Was it a typewritten index?

20 A Yes.

21 Q How did you maintain that index? In other
22 words, if something -- if a few file was put into the

1 drawer, what would you do?

2 A I would add it on to the index and the hard
3 drive and then print it and place the new index in
4 the front of the drawer.

5 Q Did you ever check after that day when you
6 noticed that the index was not in the drawer to see
7 whether the index was still in your hard drive?

8 A No, sir, I don't recall ever checking.

9 Q What did you do, if anything, with your
10 hard drive when you left the White House counsel's
11 office or at least when you left the White House
12 counsel's office suite in the west wing in early
13 September to move over to the Old Executive Office
14 Building?

15 A It remained there in the west wing.

16 Q Was the reason that you went into
17 Mr. Foster's office that day that Mr. Nussbaum told
18 you that he wanted you to help him make a list of the
19 files in that file drawer, the President's financial
20 information?

21 A He didn't ask me to make a list. He asked
22 me to tell him what was in that drawer, to read to

1 him the contents of that drawer.

2 Q Did you tell Mr. Nussbaum that there had
3 been an index?

4 A No, sir.

5 Q Is there a reason why you wouldn't have
6 told him that when he was asking you what was in the
7 file drawer?

8 A No.

9 Q I want to focus your attention back again
10 to the morning of the 21st of July 1993. Can you
11 describe for us what the emotional state of the
12 various people who worked in the White House
13 counsel's office was that morning?

14 MR. MILLS: I'm going to ask you to
15 clarify. Are you asking the witness to testify as to
16 the emotional state of all the various people that
17 were present at that time or the emotional state of
18 someone in particular?

19 MR. KRAVITZ: I'll break it down.

20 BY MR. KRAVITZ:

21 Q Did you see Mr. Nussbaum in the morning of
22 July 21, 1993?

1 A I did.

2 Q Were you able to observe what
3 Mr. Nussbaum's emotional state appeared to be?

4 A I was able to, but I did not.

5 Q What about Ms. Pond, how would you describe
6 her emotional state on the morning of July 21, 1993?

7 A I believe similar to mine. We were both in
8 shock and both very quiet.

9 Q What about Mr. Neuwirth?

10 A I really had -- other than his statement to
11 me in the door well, I really did not notice.

12 Q Do you know a man named Craig Livingstone?

13 A Yes.

14 Q Did you know him back in July 1993?

15 A Yes, sir.

16 Q Did Mr. Livingstone ever come into the
17 White House counsel's office suite while you were
18 there?

19 A Yes.

20 Q Why did Mr. Livingstone come into that
21 suite, if you know?

22 A I don't know why.

1 Q How often did Mr. Livingstone come into the
2 White House counsel's office suite while you were
3 working there?

4 A Probably intermittently.

5 Q Did he come to see you?

6 A No, he did not.

7 Q Who did Mr. Livingstone come to see in the
8 White House counsel's office suite?

9 A I don't recall who he usually visited
10 with. He spoke with Betsy. I know that at times he
11 would visit Mr. Foster, but I do not know how many
12 times he would visit Mr. Nussbaum.

13 Q Do you know whether Mr. Livingstone had any
14 familiarity with any of the files in Mr. Foster's
15 office?

16 A I don't know if he would have or not.

17 Q Did you see Mr. Livingstone in the White
18 House counsel's office suite at any time on the
19 morning of July 21, 1993?

20 A I did.

21 Q When was that?

22 A Somewhere in the early morning between 9:00

- 1 and 11:00.
2 Q Where was Mr. Livingstone when you saw him
3 for the first time that morning?
4 A He walked in and stood in front of Betsy
5 Pond's desk.
6 Q Was Mr. Livingstone carrying anything?
7 A I don't recall if he was or wasn't.
8 Q What was the next thing that you observed
9 or heard relating to Mr. Livingstone that morning?
10 A I only noticed that he looked -- visibly,
11 he was upset.
12 Q What was it about his appearance that makes
13 you say that?
14 A His face was very red and his eyes were
15 bloodshot.
16 Q Do you know whether Mr. Livingstone spoke
17 with Ms. Pond?
18 A Yes, he did.
19 Q Were you able to overhear any of that
20 conversation?
21 A I was able to, but I did not listen.
22 Q Do you know anything about what
-

- 1 Mr. Livingstone and Ms. Pond spoke about?
2 A No, sir.
3 Q Did Mr. Livingstone speak with anyone other
4 than Ms. Pond in the White House counsel's office
5 suite on the morning of July 21?
6 A I did not notice.
7 Q Did you see whether Mr. Livingstone went
8 into any of the other offices in the White House
9 counsel's office suite such as Mr. Nussbaum's or
10 Mr. Foster's?
11 A I don't recall if he did or did not.
12 Q Did you speak with Mr. Livingstone that
13 morning?
14 A No, I didn't.
15 Q Did you see Mr. Livingstone leave the White
16 House counsel's office suite?
17 A I don't recall if I did or did not see him
18 when he left.
19 Q How long was Mr. Livingstone inside the
20 White House counsel's office suite that morning?
21 A I have no idea.
22 Q Was it just a matter of a few minutes, or

- 1 was it a long time?
2 A I'm sorry, I just don't know.
3 Q You testified that you saw Mr. Livingstone
4 actually enter the White House counsel's office
5 suite?
6 A Yes.
7 Q Did he come in by himself?
8 A I could not tell you for sure if he did or
9 did not.
10 Q Do you have a picture of him standing in
11 front of Ms. Pond's desk?
12 A I do.
13 Q Was anyone else standing with him?
14 A No, there was no one standing with him.
15 Q It was just Mr. Livingstone and Ms. Pond?
16 A That's correct.
17 Q Did you see Mr. Livingstone anywhere else
18 in the west wing of the White House on the morning of
19 July 21?
20 A I'm sorry, I don't remember.
21 Q Do you have any memory of seeing
22 Mr. Livingstone carrying a box or boxes at any point
-

- 1 that day?
2 A No, sir, I have no memory of that.
3 Q Did you see anyone removing any files --
4 strike that.
5 Did you see anyone on July 21, 1993 leave
6 the White House counsel's office suite carrying
7 files?
8 A I don't recall anyone leaving with files.
9 Q What does Tom Castleton look like?
10 A He's about 5, 9; dark brown, black hair,
11 dark brown eyes.
12 Q What's his race?
13 A I believe he is American and Hispanic.
14 Q You said dark brown hair?
15 A Dark brown hair, almost black and dark
16 brown eyes.
17 Q You didn't see Mr. Castleton leave the
18 White House counsel's office suite carrying any files
19 or folders at any time on July 21?
20 A I don't recall seeing that.
21 Q Do you know a woman named Marsha Scott?
22 A Yes.

1 Q Who is she?

2 A Best I can remember, she headed the
3 correspondence unit in the Old Executive Office
4 Building.

5 Q Do you know whether you had any
6 communication with Marsha Scott in the afternoon of
7 July 21, 1993?

8 A I don't recall any.

9 Q I apologize. If I took two minutes to look
10 for this, I could probably find it. There were pager
11 records that were produced to us by the White House
12 recently which indicate that you paged Marsha Scott
13 twice on the afternoon of July 21, 1993, once at 3:18
14 p.m. and once at 3:58 p.m. Does hearing that refresh
15 your memory at all about having paged her?

16 A No, I'm sorry, it does not.

17 MR. KRAVITZ: You want to go ahead?

18 MR. JOHNSON: Are you done?

19 MR. KRAVITZ: Not necessarily, but if he
20 wants to ask clarifying questions, I'm all in favor
21 of it.

22 MR. MILLS: I'll wait until you're finished

1 with your examination.

2 BY MR. KRAVITZ:

3 Q I want to ask you about the top section of
4 what you believe to be a gold file folder that you
5 observed when you were able to catch a glimpse of the
6 inside of Mr. Foster's briefcase on July 26, 1993.
7 Was that a type of file folder that Mr. Foster
8 typically used in his office?

9 A No.

10 Q Had you ever seen that type of file folder
11 before in Mr. Foster's office?

12 A I don't recall if I ever saw that type
13 before. It was not the type that we normally used.

14 Q Was the file folder, the top of which you
15 saw in Mr. Foster's briefcase on July 26th, what's
16 commonly referred to as a triple cut?

17 A That's correct.

18 Q And I believe you testified you did not see
19 any writing on the top of the file folder?

20 A That's correct.

21 Q And you don't know whether there were any
22 documents inside of it?

1 A I do not.

2 Q Had you ever seen Mr. Foster anywhere with
3 a file folder of that description?

4 A I don't recall if I did or did not.

5 Q Has anyone ever said anything to you that
6 has given you any idea of what that file folder was,
7 the top of which you saw in Mr. Foster's briefcase?

8 A No, sir.

9 MR. KRAVITZ: I think that's all I have.
10 Thank you very much.

11 THF WITNESS: You're welcome.

12 MR. JOHNSON: David, did you have some?

13 MR. MILLS: Yes, I do. Before I do, I want
14 to take about three minutes to talk to my client, if
15 I could.

16 MR. JOHNSON: Sure.

17 (Recess.)

18 EXAMINATION

19 BY MR. MILLS:

20 Q Deborah, you answered questions about the
21 electronic telephone log that you kept for Vince
22 Foster's phone; is that right?

1 A Yes.

2 Q Did you put into that log every phone call
3 that came in or just the messages that you took for
4 Vince?

5 A Messages taken for him.

6 Q So it would not be a complete log of every
7 call made into the office?

8 A That's correct.

9 Q You also testified that Vince Foster kept
10 his own calendar; is that right?

11 A Yes.

12 Q There was some point in time when the
13 calendar system went over to an electronic calendar?

14 A Yes.

15 Q Who kept Vince's calendar after that point?

16 A I did.

17 Q And when was that?

18 A About the last few days of June is when we
19 started the electronic calendar.

20 Q The couple of times that you opened -- I
21 think you testified three different times that you
22 opened the safe for Bernie Nussbaum; is that right?

- 1 A Yes.
- 2 Q During the time period that we've been
3 discussing after September 21, 1993; is that right?
- 4 MR. JOHNSON: July.
- 5 BY MR. MILLS:
- 6 Q I'm sorry, July 21, 1993. Is that right?
- 7 A Yes.
- 8 Q Each of those times did you leave the safe
9 open after you had opened it for Mr. Nussbaum?
- 10 A I believe that I would have, simply as a
11 matter of courtesy. If he wanted to place something
12 back in, he could.
- 13 Q And who would close it, do you know?
- 14 A No, I did not know who closed it. I only
15 assumed that he would.
- 16 Q That would just be an assumption?
- 17 A It's only an assumption.
- 18 Q Do you know if anybody else would have had
19 access to that safe while it was open after you
20 opened it?
- 21 A While it was open, it had access for
22 anyone, I suppose, but I don't know who went in or

- 1 out of it.
- 2 Q And you wouldn't know, would you?
- 3 A No, I would not.
- 4 Q There was a question about when Steve
5 Neuwirth gave you the key or one of the keys to Vince
6 Foster's office, and you were instructed by
7 Mr. Neuwirth want to unlock the door for anyone
8 except Bernie Nussbaum; is that correct?
- 9 A That's correct.
- 10 Q Did you understand it was your job to make
11 sure no one else went into that office or make sure
12 you didn't unlock it for anyone other than Bernie
13 Nussbaum?
- 14 A That I didn't unlock it for anyone except
15 Bernie Nussbaum.
- 16 Q Did you understand your job to be somehow
17 to guard that door?
- 18 A Not really, no.
- 19 Q The file that was in the drawer that
20 contained the President's personal and financial
21 files, you said it was labeled Whitewater? There was
22 a file labeled Whitewater; is that right?

1 A Yes.

2 Q Do you have any idea what was in that file?

3 A As contained to --

4 Q Do you know how many documents were in that
5 file?

6 A I would say probably there's no more than
7 maybe one or two pieces of paper.

8 Q You don't know the contents of that, do
9 you?

10 A No, I don't.

11 Q Did that -- did those documents or that
12 file have any significance to you at the time in July
13 of 1993?

14 A No.

15 Q Back in August of 1993, you were asked
16 questions about an FBI interview, and you didn't
17 recall being interviewed by the FBI back then; is
18 that right?

19 A I don't recall.

20 Q A lot of people were asking you questions
21 back then, about what was happening?

22 A I just don't recall any questioning during

1 that month.

2 Q Mr. Kravitz asked you questions about
3 paging Marsha Scott on July 21, 1993 on two
4 occasions. Did people sometimes ask you to page
5 people for them?

6 A Yes.

7 Q Is it possible that these pages were just
8 pages you did for someone else?

9 A Yes.

10 Q You don't recall paging Ms. Scott for any
11 reason that you're knowledgeable of?

12 A No, I don't.

13 MR. MILLS: That's all I have.

14 (Discussion off the record.)

15 BY MR. MILLS:

16 Q Do you have any recollection of being asked
17 to page Ms. Scott on that day?

18 A I don't recall being asked.

19 MR. JOHNSON: Ms. Gorham, thank you for all
20 of your patience. Confidentiality is a very
21 important thing to the Senate and to the Senate staff
22 in connection with this investigation, and we'd be

1 personally grateful if you wouldn't discuss this
2 deposition with anyone.

3 THE WITNESS: I'd be happy not to.

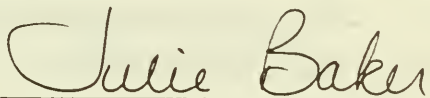
4 MR. JOHNSON: Thank you very much.

5 (Whereupon, at 2:25 p.m., the deposition
6 was concluded.)

7
8 -----
9 DEBORAH L. GORHAM
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I, JULIE BAKER, the officer

before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

DEPONENT Deborah L. Gorham

ERRATA

PAGE	LINE	CHANGE FROM	CHANGE TO	REASON
16	21	"No."	"No. Not after Mr Foster informed me in early April that he intended to open that drawer locked. Before that time, I recall opening the drawer once when I organized Mr Foster's files I do not recall seeing into that drawer at any other time.	During my deposition I assumed that I was being asked whether or not I had knowledge of the contents of the locked file drawer.

DEPONENT Reborah L. Gorbary

ERRATA

PAGE	LINE	CHANGE FROM	CHANGE TO	REASON
29	6	"I recorded over them."	"Vince recorded over them with new dictation"	Clarification
70	6	"I don't know. I never looked to see if they were sealed or not."	"One envelope marked 'Janet Rees' was not sealed. I don't know whether the other envelope marked 'William Kennedy' was sealed or not. I never looked to see if it was sealed."	
71	16	"No, sir"	"The envelope marked Janet Rees contained Ms. Rees's FBI background report. I do not know anything about the contents of the other envelope."	

DEPONENT Leborah L. Gonham

ERRATA

PAGE	LINE	CHANGE FROM	CHANGE TO	REASON
87	3	"I do not know who placed that note in the safe."	"I do not know who placed that envelope in the safe."	clarification
102	3	"Yes."	"It was not labeled."	
102	5	"Yes."	"It was leaning up against a labeled photograph."	

**DEPOSITION OF MARLENE A. MacDONALD
IN RE: S. RES. 120**

MONDAY, JUNE 26, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of MARLENE A. MacDONALD, called for examination pursuant to notice of deposition, at 2:58 p.m. in Room 640-A of the Hart Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
NEAL E. KRAVITZ, Esq.
Minority Principal Deputy Special Counsel
GLENN F. IVEY, Esq.
Minority Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

DAVID E. MILLS, Esq.
SCOTT DAILARD, Esq.
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On behalf of the Deponent.

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PROCEEDINGS

Whereupon,

MARLENE A. MAC DONALD

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. JOHNSON:

Q Good afternoon, Ms. MacDonald. We've met briefly off the record but let me take a second or two on the record and tell you who I am more officially. My name is Everett Johnson and I'm one of the attorneys working for the majority staff Special Senate Committee investigating Whitewater and related matters.

Also here this afternoon is Mr. Ivey who you've also met off the record, and he's counsel for the Democratic staff of that same committee.

What brings us here today is Senate Resolution Number 120 which constitutes the committee and directs the committee to conduct an investigation into certain Whitewater related topics. The particular thing that we're investigating today is

the investigation into the death of Mr. Vincent Foster and more particularly the handling of the documents in or around Mr. Foster's office at the time of his death, so the questions that I ask you and that Mr. Ivey will ask you today will relate generally to that topic.

Let me ask you preliminarily whether or not you've ever been deposed before?

A No.

Q I'll spend a second or two on some sort of simple procedural things that will make us a little more efficient. Ms. Baker is our shorthand reporter and she'll make a transcript of the questions that I or Mr. Ivey ask you, and the answers that you give. In order for her to do that, it's important that we not speak simultaneously, that you let the question be completed before your answer. And it's also important that you answer verbally because she doesn't have a way of recording gestures or body language or other sort of nonverbal kinds of communication.

I will try and make the questions that I

1 ask just as clear as I possibly can. I will fail at
2 that sometimes and when I do, I'll count on you to
3 tell me that you don't understand a question.

4 I assure you there's nothing here that's
5 designed to be the least bit deceitful or tricky or
6 if you don't understand something, feel free to say
7 it's not clear to you what we're asking. If you need
8 to confer with your attorney, feel free to do that.
9 And if at any time you need to take a break, just say
10 so and we'll take a break.

11 Does that seem easy enough so far?

12 A Yes.

13 Q In preparing to give your deposition
14 testimony here today, did you meet with anyone?

15 A Yes.

16 Q Who did you meet with?

17 A A White House attorney and my lawyer, David
18 Mills.

19 Q What was the name of the White House
20 attorney?

21 A Jane Sherbourne.

22 Q Did you meet with Ms. Sherbourne and

1 Mr. Mills together or separately?

2 A Separately.

3 Q I'd like to focus on your meeting with
4 Ms. Sherbourne. When did you meet with her?

5 A It was a week ago today, Monday.

6 Q And who was in that meeting other than you
7 and Ms. Sherbourne?

8 A No one else.

9 Q How long did the meeting last?

10 A 20 minutes.

11 Q What generally was discussed in that
12 meeting?

13 MR. MILLS: I'm going to interpose an
14 objection here at this point. My understanding is
15 the White House has not waived privileges with regard
16 to their preparations or White House counsel's office
17 preparation for answering the Senate inquiry.

18 MR. JOHNSON: I'll not sure what privilege
19 would attach to that.

20 MR. MILLS: The deliberative process
21 privilege. If you'd like, we can ask for further
22 clarification on that, but it's my understanding that

1 has not been waived.

2 MR. JOHNSON: Let me find out some more
3 details about the meeting and then maybe we'll ask.

4 BY MR. JOHNSON:

5 Q I think you testified that only you and
6 Ms. Sherbourne was present; is that correct?

7 A That's correct.

8 Q And was the purpose of your meeting to
9 discuss the testimony that you would give in this
10 deposition?

11 A Yes.

12 Q Were any -- without revealing the content,
13 did you review any documents in that meeting?

14 A No.

15 Q Did Ms. Sherbourne suggest to you that
16 there's anything you shouldn't say in your testimony
17 here today?

18 A No.

19 Q Did she suggest to you in particular
20 anything that she especially wanted you to say?

21 A No.

22 Q As you understand the purpose of the

1 meeting, was it just to go over your recollection of
2 the events that transpired in 1993?

3 A No, that's not true.

4 Q What was the purpose of it?

5 A She was just -- I had just run into her
6 briefly and she mentioned the deposition so she
7 wanted to explain to me exactly what the reason, what
8 the deposition was for.

9 Q Sort of an accidental meeting?

10 A No, not on Monday. I had run into her the
11 Friday before, and she had told me late in the day
12 she was leaving, and she told me she would get in
13 touch with me Monday.

14 MR. JOHNSON: Let's just go off the record
15 for a second here.

16 (Discussion off the record.)

17 BY MR. JOHNSON:

18 Q Why don't you describe to me the substance
19 of your conversation with Ms. Sherbourne?

20 MR. MILLS: At this point I'm going to
21 object. We've been in touch with counsel for the
22 White House counsel's office and as I understand it,

1 they wish -- they have not waived their privilege
2 with regard to any preparations they may have made
3 with regard to answering inquiries from the Senate
4 subcommittee. And so, on behalf of the White House,
5 I feel it necessary to interpose an objection at this
6 time and if there needs to be any further
7 communications, we can do that directly with Ms. Jane
8 Sherbourne.

9 MR. JOHNSON: I take it, David, you're
10 instructing the witness not to answer this question.

11 MR. MILLS: That's correct.

12 MR. JOHNSON: Off the record.

13 (Discussion off the record.)

14 MR. JOHNSON: In an off-the-record
15 conversation among counsel, we decided to be clear on
16 the record about our respective views with respect to
17 the assertion of privilege by the White House.

18 Mr. Mills, you're not asserting that
19 privilege on behalf of yourself, and I think counsel
20 have done all that they can do at this point.

21 It's not my intention on behalf of the
22 majority staff, and I suspect not Mr. Ivey's

10

1 intention on behalf of the minority's staff, to
2 pursue the line of inquiry further than we have so
3 far, although it's been my experience that it's
4 important to make a very clear record when any
5 privilege of any kind is asserted, the circumstances
6 surrounding the assertion of the privilege and that's
7 what we've attempted to do this morning.

8 Mr. Ivey or Mr. Miles, if you'd like to add
9 anything to that, our intention is to reserve on this
10 issue and pursue it at a later point in time, if at
11 all.

12 MR. MILLS: I would like to add something
13 to that. First of all, it is also my understanding
14 that there has been no privilege asserted on behalf
15 of the White House, or I should say that the White
16 House has waived its privileges with regard to the
17 inquiry into document handling and the aftermath of
18 the death of Vincent Foster, and we in no way are
19 invoking any privilege to frustrate the purpose of
20 finding out about that subject matter at all.

21 All I am doing is asserting a privilege and
22 directing the witness not to answer questions about

1 conversations that the witness may have had with
2 special counsel to the President that may fall within
3 a privilege they have not waived with regard to the
4 deliberative process in their preparations for
5 responding to the Senate inquiries.

6 So what I'm doing is preserving the ability
7 of the White House counsel's office to follow up and
8 maintain that objection. If they don't wish to, or
9 if they wish to waive that objection, I would be
10 happy to allow my client to answer the question.

11 It's also my understanding that these
12 depositions are being held in a confidential nature,
13 and that there's nothing that's going to be revealed
14 to the press or otherwise that takes place in these
15 depositions, other than to the extent they come out
16 as part of the Senate hearings which as I understand
17 it, are at the present time actively scheduled for
18 later in July.

19 Is that a correct understanding, that the
20 transcript of this, the information obtained is
21 confidential?

22 MR. JOHNSON: It's confidential on our side

1 of the table. We've signed confidentiality orders.
2 You haven't been required to do it so all we have is
3 your word that it's confidential.

4 MR. IVEY: It's confidential up until the
5 time that there would be hearings. My recollection
6 is they could be public at that point.

7 MR. JOHNSON: There's no question about
8 that.

9 MR. MILLS: That's fine.

10 MR. JOHNSON: Everybody happy?

11 MR. IVEY: That's fine.

12 BY MR. JOHNSON:

13 Q Other than your conversation with
14 Ms. Sherbourne that we've all, except you, been
15 talking about, Ms. MacDonald, did you have any other
16 conversations with anyone in anticipation of this
17 deposition here today?

18 A Just David Mills, my lawyer.

19 Q And in your conversation with Mr. Mills,
20 was anyone present other than your counsel and other
21 employees of your counsel?

22 A No, just Scott.

- 1 Q Another lawyer?
- 2 A Yeah.
- 3 Q Why don't you spend 30 seconds or so and
- 4 tell us about your professional background.
- 5 A I worked for USIA in Seville, Spain for a
- 6 year at the World's Fair Expo '92.
- 7 Q What year was that?
- 8 A '92, the full year.
- 9 Q I guess I could have inferred that from
- 10 Expo '92.
- 11 A And to do that, I left college, so when I
- 12 returned to college to finish up, I was volunteering
- 13 at the White House in the counsel's office.
- 14 Q Where were you in college at that time?
- 15 A Catholic University.
- 16 Q When did you begin to volunteer at the
- 17 White House?
- 18 A Mid-June of '93.
- 19 Q And you said you volunteered in the White
- 20 House counsel's office; is that correct?
- 21 A That's right.
- 22 Q What did you do there?

- 1 A I answered phones, typed letters and ran
- 2 errands around the White House.
- 3 Q Would it be fair to describe your
- 4 activities as clerical in nature?
- 5 A Yes.
- 6 Q To whom did you report?
- 7 A Betsy Pond.
- 8 Q Ms. Pond is one of Mr. Nussbaum's
- 9 secretaries?
- 10 A That's right.
- 11 Q How did you actually get the job,
- 12 Ms. MacDonald?
- 13 A Through a woman I worked in Spain with.
- 14 Her husband was working at the White House in the
- 15 personnel office.
- 16 Q What is his name?
- 17 A Doug Fehrer, F-e-h-r-e-r.
- 18 Q Did you know personally anyone in the White
- 19 House counsel's office before you went to work there?
- 20 A No, I didn't.
- 21 Q I'm sorry. I know you said this. You
- 22 began working there in June of 1993?

1 A That's right.

2 Q Let me ask you the same question with
3 respect to a number of individuals, and the question
4 is really would you have recognized them by face in
5 June and July of 1993. I just assume everybody in
6 the White House would recognize the President and the
7 First Lady.

8 A That's right.

9 Q Mr. Nussbaum, I take it, you would have
10 recognized?

11 A You mean before I started or once I had --

12 Q Once you had started.

13 A Yes.

14 Q Would you have recognized Mr. Foster?

15 A Yes.

16 Q Ms. Pond and Ms. Gorham, I take it you
17 would have recognized?

18 A Yes.

19 Q What about Mr. Castleton?

20 A Yes.

21 Q What was Mr. Castleton's job in the White
22 House counsel's office?

1 A He was an assistant in the office. I
2 believe at that time he was responsible for the
3 incoming mail, tracking that mail to the attorneys.

4 Q Would you have recognized Steve Neuwirth?

5 A Yes.

6 Q Cliff Sloan?

7 A Yes.

8 MR. MILLS: If I could clarify, this is at
9 what time period?

10 MR. JOHNSON: After beginning work at the
11 White House but before the date of Mr. Foster's
12 death, at any time in that time period.

13 MR. MILLS: That's just a three-week
14 period.

15 BY MR. JOHNSON:

16 Q I'm really trying to gauge your ability to
17 identify the faces of people who may or may not have
18 been present in the days surrounding his death, and I
19 just need a basis to know how you would know them, if
20 you did.

21 A Okay.

22 Q I may have just been asking you about Cliff

1 Sloan.
2 A Yes.
3 Q Mr. McLarty?
4 A I don't recall if I knew him at that time.
5 Q Craig Livingstone?
6 A No.
7 Q Mark Gearan?
8 A No.
9 Q Dee Dee Myers?
10 A Yes.
11 Q Patsy Thomasson?
12 A No.
13 Q Maggie Williams?
14 A I don't recall.
15 Q You don't know whether or not you would
16 have recognized her?
17 A Yeah. I don't know at one point that I
18 knew who she was.
19 Q Evelyn Lieberman?
20 A No.
21 Q Do you know today who Evelyn Lieberman is?
22 A Yes.

1 Q Who is she?
2 A She's a deputy press secretary.
3 Q And I take it you also know today who
4 Maggie Williams is?
5 A Yes.
6 Q Would you have recognized a fellow by the
7 name of Steve Johnson?
8 A No.
9 Q What about today?
10 A No.
11 Q The name doesn't mean anything to you?
12 A Huh-uh.
13 Q I think when I broke this off, we had
14 ascertained that you began working as a volunteer in
15 the White House counsel's office in June of 1993; is
16 that correct?
17 A That's right.
18 Q What sort of hours did you work?
19 A I came in around 9:30 in the morning and I
20 stayed until 7:00 or 8:00, depending on the -- I was
21 scheduled to stay late, until they closed the office.
22 Q When you say you were supposed to stay

1 until the office was closed up?

2 A Until they dismissed me as being time to
3 close down.

4 Q Long hours for a volunteer?

5 A Yeah.

6 Q Did you go to school in the evening?

7 A No. I was only working for them three days
8 a week.

9 Q This could be important, then. Which three
10 days?

11 A Monday, Wednesday and Friday.

12 MR. JOHNSON: Off the record.

13 (Discussion off the record.)

14 BY MR. JOHNSON:

15 Q Are you still employed or volunteering at
16 the White House today?

17 A I'm employed at the White House today.

18 Q Where in the White House are you employed?

19 A In the press office.

20 Q To whom do you report today?

21 A Michael McLarty.

22 Q You report directly to Mr. McLarty?

20

1 A He's my boss. He has three departments.

2 Q What is your job today?

3 A I manage the lower press office.

4 Q And what does that mean, manage the office?

5 A I'm responsible for the flow of the paper
6 going out to the press as well as the phones being
7 answered and the press inquiries, the walk-ins.

8 Q When did you get that job?

9 A I began February 1st.

10 Q Of 1995?

11 A '95.

12 Q Where were you employed prior to that?

13 A I was in the President's office, working
14 for George Stephanopoulos.

15 Q Would you have recognized
16 Mr. Stephanopoulos in June and July of 1993?

17 A Yes.

18 Q What about Webster Hubbell, would you have
19 recognized Mr. Hubbell back in that time frame?

20 A I don't recall when I met him.

21 Q When you worked for Mr. Stephanopoulos,
22 what were your job duties then?

1 A I was one of two assistants to him. I was
2 responsible for his correspondence and his phone
3 messages.

4 Q Prior to working for Mr. Stephanopoulos --
5 I'm just trying to track your job duties back through
6 the White House -- who did you work for before that?

7 A Lloyd Cutler in the counsel's office.

8 Q Was this on a paid basis or volunteer
9 basis?

10 A Paid basis.

11 Q What were your job duties for Mr. Cutler?

12 A I was support staff to his executive
13 assistant and the other deputy's executive assistant.

14 Q Was that job materially different from the
15 job that you did on a volunteer basis?

16 A No.

17 Q It was full-time?

18 A Correct, full-time paid.

19 Q When did you first undertake full-time paid
20 employment in the White House?

21 A That was May of '94.

22 Q Did you continue as a volunteer from June

1 of '93 until May of '94?

2 A Yes.

3 Q And was the entire time that you spent as a
4 volunteer in the White House counsel's office?

5 A Yes.

6 Q Mr. Foster died on a Tuesday, July 20,
7 1993. Did you work on that day?

8 A No, I did not.

9 Q That's because you were only working
10 Mondays, Wednesdays and Fridays?

11 A Correct.

12 Q When do you recall you first learned of
13 Mr. Foster's death?

14 A I received a phone call on Wednesday
15 morning, approximately 7:30 a.m. from Betsy Pond.

16 Q Were you at your home?

17 A Yes.

18 Q Where was Mrs. Pond at that time, if you
19 know?

20 A She was calling from the White House.

21 Q From her office, if you know?

22 A She later told me that that was the case,

1 that she was calling from the counsel's office.

2 Q What did -- is it Ms. or Mrs.?

3 A Ms.

4 Q What did she say?

5 A She told me that Vince had killed himself
6 and she needed me to come in early and help with the
7 phones. She thought it would be a crazy phone day.

8 Q That's the first time you heard about
9 Mr. Foster's death?

10 A That's correct.

11 Q Did Ms. Pond say anything else at that
12 time?

13 A No.

14 Q Did you, in fact, go in early?

15 A Yes, I did.

16 Q What time did you arrive?

17 A Approximately 8:30.

18 Q When you arrived on that day, were there
19 other people in the counsel's office?

20 A Yes.

21 Q Who do you recall was already there?

22 A Betsy, Deborah Gorham, Tom Castleton, Linda

1 Tripp and Bernie Nussbaum.

2 Q Anyone else that you can think of?

3 A No.

4 Q Did you go in Mr. Foster's office?

5 A No, I did not.

6 Q Did you see anyone go into Mr. Foster's
7 office?

8 A That day?

9 Q That day.

10 A I don't recall. There was a lot of -- I
11 don't recall anyone specifically going in that day,
12 those three days that week kind of blur together.

13 Q Did you ever see -- in that week at all,
14 did you ever see anyone go into Mr. Foster's office?

15 A Yes.

16 Q Tell me what you saw.

17 A I remember very specifically Bernie
18 Nussbaum going in with a large group of people and my
19 understanding at that time was -- I remember the Park
20 Service -- the Park Police were a part of that
21 group. I can't remember whom else was in that group.

22 Q Do you remember what day that was?

- 1 A I don't remember.
- 2 Q The day after Mr. Foster's death was
- 3 Wednesday the 21st of July. Do you know whether or
- 4 not it was on that day?
- 5 A I don't recall.
- 6 Q The following day was a Thursday. Did you
- 7 work that Thursday?
- 8 A I did.
- 9 Q That was unusual, wasn't it?
- 10 A Correct.
- 11 Q Why did you work on that Thursday?
- 12 A I don't recall how it came about. I
- 13 believe it had to do with the circumstances and
- 14 again, the phones. We expected a great deal of phone
- 15 calls.
- 16 Q This time that you saw Mr. Nussbaum go in
- 17 Mr. Foster's office with a large number of people,
- 18 could it have been on that Thursday?
- 19 A I believe it was that week, within those
- 20 three days.
- 21 Q And you also worked on Friday?
- 22 A Yes, although that Friday, they were in

- 1 Little Rock so it couldn't have been Friday.
- 2 Q Now, when you say "they were in Little
- 3 Rock," who do you mean?
- 4 A Bernie Nussbaum from our office went,
- 5 Deborah Gorham, Linda Tripp and Betsy Pond.
- 6 Q So therefore, who, if anyone, was in the
- 7 White House counsel's office on Friday, the 23rd?
- 8 A Tom Castleton, myself and a woman -- a
- 9 career worker from the correspondence office came
- 10 over and just sat.
- 11 Q To answer telephones or something like
- 12 that?
- 13 A Yeah, I think they wanted another staff
- 14 person in the office to help.
- 15 Q So you and Mr. Castleton and a third staff
- 16 person were there?
- 17 A Right.
- 18 Q Was Mr. Foster's office open on that
- 19 Friday?
- 20 A No.
- 21 Q It was closed?
- 22 A It was closed.

1 Q Was it locked?
2 A I don't recall.
3 Q Were you there all day on that Friday?
4 A Yes.
5 Q Did anyone go into the office on Friday?
6 A No.
7 Q Now, you had identified to me that you saw
8 Mr. Nussbaum and a large group of people go into
9 Mr. Foster's office. Let me put that aside for a
10 moment and ask whether you've ever seen anyone else
11 go into Mr. Foster's office?
12 A That day, the 21st?
13 Q Well, why don't we focus first on that day
14 and then I'll ask you at any other time.
15 A I don't recall anyone else.
16 Q On the 21st -- let's put it this way.
17 Excluding from your answer things you may have
18 learned in conversations with your attorneys. As we
19 sit here today, have you ever heard from any source
20 whatsoever that anyone entered Mr. Foster's office on
21 the evening of July 20th, 1993, the day he died?
22 A Did I hear from --

1 Q Other than your attorneys, have you ever
2 heard that from anyone?
3 A It would just have been reading it in the
4 paper.
5 Q You never had any conversations with
6 Mr. Nussbaum about whether or not he went into that
7 office?
8 A No, I did not.
9 Q Did you ever have any conversations with
10 Mr. Cutler about whether or not Mr. Nussbaum went
11 into that office?
12 A No, I did not.
13 Q Let me just -- at the risk of being more
14 tedious, let me just ask, did Ms. Pond ever tell you
15 whether or not she had gone into that office?
16 A Yes, she did.
17 Q What do you recall about that?
18 A She told me -- I can't remember when, but
19 it was probably, I would say, a good two months or so
20 after the suicide she told me that she had gone in
21 early in the morning to Vince's office to straighten
22 papers on his desk.

1 Q Did she say anything more than that?

2 A No.

3 Q Why do you suppose she told you that two
4 months later? Was there some precipitating event?

5 A I don't recall the circumstances.

6 Q Do you think a newspaper story or something
7 like that?

8 A I don't recall.

9 Q Have you become aware through any source
10 whatsoever, other than conversations with your
11 counsel, of anyone else entering Mr. Foster's office?

12 A Again, it would be newspaper articles that
13 I've read.

14 Q When you worked for Mr. Stephanopoulos, did
15 you ever have any conversations with
16 Mr. Stephanopoulos about -- strike that.

17 Did you ever have any conversations with
18 Mr. Stephanopoulos regarding whether or not anyone
19 entered Mr. Foster's office on the evening Mr. Foster
20 died?

21 A No.

22 Q The topic never came up?

30

1 A No.

2 Q As we sit here today, have you ever heard
3 from any source, other than -- and let's exclude
4 newspapers and conversations with your counsel, that
5 Patsy Thomasson may have been in Mr. Foster's office
6 on the evening he died?

7 A No.

8 Q Now, let me broaden my questions a little
9 bit out because I get confused myself.

10 Mr. Foster's office existed in a suite of
11 offices, doesn't it?

12 A Uh-huh.

13 Q And that suite is referred to as the White
14 House counsel's suite. On the evening that he died,
15 have you ever heard that Patsy Thomasson was in the
16 White House counsel's suite?

17 A No.

18 Q What about Maggie Williams?

19 A No.

20 Q What about Evelyn Lieberman?

21 A No.

22 Q What about Mr. Nussbaum himself?

1 A No.

2 Q You don't think you've ever heard that?

3 A No.

4 Q Now, this meeting that you saw Mr. Nussbaum

5 and many others in Mr. Foster's office, you didn't

6 participate in that meeting, did you?

7 A No.

8 Q And you didn't overhear anything of what

9 was said in there?

10 A No.

11 Q Did you ever discuss with Mr. Castleton

12 whether or not he had been in Mr. Foster's office?

13 A When?

14 Q At any time -- strike that. He's obviously

15 been in Mr. Foster's office at some point.

16 After Mr. Foster's death. Let's confine my

17 questions to that.

18 A No.

19 Q Even as we sit here today, you've never

20 talked with him about that?

21 A About his entering the office?

22 Q Yes, ma'am.

1 A No.

2 Q Did you ever talk to Mr. Castleton about

3 whether or not he removed any documents of

4 Mr. Foster's, either from Mr. Foster's office or the

5 White House counsel's suite?

6 A No.

7 Q Have you ever heard that he did, whether or

8 not you've ever talked with him about it?

9 A No.

10 Q On the morning of the 21st, did you see a

11 fellow by the name of Craig Livingstone?

12 A I don't recall.

13 Q Do you know who Mr. Livingstone is?

14 A Yes.

15 Q Would you have known at that time who he

16 was?

17 A I don't believe that I knew Craig

18 Livingstone at that time.

19 Q And you don't have any memory today of

20 whether you may have seen him in the White House

21 counsel's suite?

22 A No.

- 1 Q How late in the day on the 21st did you
2 work, do you recall?
- 3 A I believe it was 7:00 or 7:30.
- 4 Q Was the Secret Service security guard still
5 posted outside of Mr. Foster's office when you left
6 that day?
- 7 A I don't recall.
- 8 Q Do you remember whether a locksmith came up
9 and put a lock on Mr. Foster's door? Does that
10 refresh your recollection at all?
- 11 A That does, I do remember a locksmith coming
12 up. I can't remember, though, the timing, whether it
13 was that day or maybe the next day.
- 14 Q Did you ever see Mr. Sloan in the White
15 House counsel's suite on the 21st, the day after
16 Mr. Foster died?
- 17 A Yes.
- 18 Q What do you remember about seeing Mr. Sloan
19 there?
- 20 A I remember him being in Bernie's office.
- 21 Q Mr. Nussbaum's office?
- 22 A Right.

- 1 Q Did you just see him walk into the office
2 or something like that?
- 3 A Yeah, I remember him being in there with
4 the door shut.
- 5 Q Did you ever see Mr. Sloan go in
6 Mr. Foster's office on that day?
- 7 A I don't recall.
- 8 Q Did you ever see Mr. Sloan carrying a bag
9 of trash or sort of a clear plastic bag around in the
10 White House counsel's suite that day?
- 11 A I don't recall.
- 12 Q Do you recall anything else about the 21st,
13 and generally entry to and exit from Mr. Foster's
14 office?
- 15 A No.
- 16 Q Were you physically present in the
17 counsel's office when the President came down to the
18 White House counsel's office on the 21st?
- 19 A Yes.
- 20 Q Did you speak with the President?
- 21 A I met him.
- 22 Q Was that the first time you've met him?

1 A Yes.

2 Q Did he speak to the group as a whole when
3 he was there?

4 A He said a few words.

5 Q Words of condolence, comfort?

6 A He asked how we were doing. I don't recall
7 exactly what he said.

8 Q Did the President speak to anyone privately
9 at the time he was in the White House counsel's
10 suite?

11 A No.

12 Q Do you remember whether or not he we want
13 into Mr. Nussbaum's office?

14 A I don't recall.

15 Q You don't recall one way or the other, or
16 you didn't see him go in there?

17 A I don't remember. I know he definitely
18 stood in the outer office where we all sat, and we
19 gave him a cup of coffee. I can't remember -- he
20 very well could have because it's such a small
21 space. There would be nowhere else for him to go but
22 to Bernie's office. Bernie's door was open.

36

1 Q You continued to work in the White House
2 counsel's office for some period of time -- you even
3 told me what period of time, but until -- was it
4 October of the following year?

5 A Until I was hired --

6 MR. MILLS: May of '94.

7 BY MR. JOHNSON:

8 Q Until May of '94. So did you become aware
9 that later in time in the White House counsel's
10 office that press accounts began to say that
11 Mr. Nussbaum and perhaps others had been in
12 Mr. Foster's office the evening that he died?

13 A Yes.

14 Q Did Mr. Nussbaum ever say to you whether
15 that was true or not true?

16 A No.

17 Q Did anyone in the White House ever say to
18 you whether or not those press accounts were true or
19 not true?

20 A No.

21 Q You just don't have any idea whether or not
22 anyone was in that office on that day?

1 A It was never confirmed to me personally.

2 Q Well, putting aside things that might be
3 confirmation because there are things that are
4 certain knowledge, there are also things that is
5 information that may be less than confirmation. By
6 way of example, someone may have said it's true, even
7 though that someone wouldn't have a basis of knowing,
8 to the best of your knowledge.

9 Did anyone ever say to you whether or not
10 someone had been in Mr. Foster's office the evening
11 that he died?

12 A I don't recall.

13 Q Do you recall anything else about the 21st,
14 the first day you worked after Mr. Foster's death?

15 A No.

16 Q Now, on the 22nd, it's possible that this
17 meeting with Mr. Nussbaum occurred in Mr. Foster's
18 office. Do you remember anything else about that
19 day?

20 A No.

21 Q Do you have the combination to the safe in
22 Mr. Nussbaum's office?

1 A No.

2 Q Who did, to the best of your knowledge?

3 A Betsy Pond. I believe -- I know she had it
4 later, months later. I know that she had the safe
5 combination. I do not know if at that time she had
6 it.

7 Q Now, according to the press at least, a
8 note containing handwriting of Mr. Foster's which the
9 press has sometimes referred to as a suicide note was
10 found later in time. Do you recall that?

11 A Yes.

12 Q Do you have any personal knowledge about
13 that event at all?

14 A I don't remember which day it was, but I
15 was there that day.

16 Q What do you recall about that?

17 A One of Bernie Nussbaum's assistants told
18 me -- I sensed that something was going on, and they
19 told me that they had found a note or letter, but I
20 really did not know the contents of the letter until
21 the next day when I read it in the paper.

22 Q Do you remember who it is who told you they

- 1 had found it?
2 A I do not.
3 Q Do you know whether or not it was
4 Mr. Neuwirth?
5 A No.
6 Q You're certain it was not Mr. Neuwirth?
7 A Yes, I'm certain.
8 Q Do you know whether or not it was
9 Mr. Sloan?
10 A No, it would not be.
11 Q Do you think it might have been Ms. Tripp?
12 A Possibly.
13 Q When you say one of Mr. Nussbaum's
14 assistants, do you mean nonlawyers?
15 A Right. Correct. Secretary.
16 Q It was Ms. Pond or Ms. Tripp?
17 A Correct.
18 Q Could it have been Mr. Castleton?
19 A No.
20 Q What made you sense that something was
21 going on in the office?
22 A Just a feeling you pick up on.
-

- 1 Q Can you place in time when you remember
2 this happening?
3 A I don't recall the day. I just don't.
4 Q Well, the following week, did you work your
5 regular Monday, Wednesday, Friday schedule?
6 A I don't recall if I worked just those three
7 days or the full week.
8 Q And you can't be certain whether it was
9 Monday or Tuesday or Wednesday or some other time?
10 A Right.
11 Q I realize you don't remember who
12 specifically told you, perhaps Ms. Tripp, perhaps
13 Ms. Pond, perhaps someone else, but do you remember
14 what they said?
15 A I don't.
16 Q For example, did they say where the note
17 was found?
18 A I don't recall.
19 Q And do you recall whether they said who
20 found the note?
21 A No.
22 Q You just don't remember?

1 A No.

2 Q Did you personally have any involvement in
3 the handling of the note or the placement of the note
4 in any particular place?

5 A No.

6 Q Have you ever seen it other than in the
7 newspaper?

8 A No.

9 Q Now, what involvement, if any,
10 Ms. MacDonald, did you have in the inventorying or
11 packaging of the documents and things in Mr. Foster's
12 office after his death?

13 A I didn't have any involvement.

14 Q Do you know who did?

15 A I do not.

16 Q Did you ever personally, after Mr. Foster's
17 death, go into that office while his things were
18 still in there?

19 A No, I did not.

20 (Pause.)

21 BY MR. JOHNSON:

22 Q I take it you had no involvement at all in

1 the inventorying or packaging of Mr. Foster's office?

2 A Yes, you're correct, no involvement.

3 Q Did you ever speak with Mr. Castleton about
4 what, if any, role he may have played in that?

5 A No.

6 Q Did he ever say to you words to the effect
7 that oh, I took a couple of Vince's boxes out to go
8 somewhere or anything like that?

9 A No.

10 Q Did anyone else ever say that Mr. Castleton
11 had done that?

12 A No.

13 Q Ms. MacDonald, what I'm struggling with in
14 my own mind is to be certain that I've learned
15 everything that I can learn from you and also not to
16 waste you or your counsel's valuable time in trying
17 to do that, so let me just try it this way.

18 Is there anything about which you have
19 knowledge relating at all in any way to Mr. Foster's
20 office or the contents of his office or the
21 investigation into his death that comes to your mind
22 to offer to me? I've asked all the things I can

1 think of to ask but I want to make sure there's not
2 something you're thinking of that I've neglected to
3 ask you about that you could shed some light on.
4 Is there anything that you'd like to offer?
5 A No.
6 Q I take it, without sharing with me by whom,
7 I'm assuming this is not the first time you've been
8 interviewed or deposed on this topic?
9 A I was interviewed once.
10 Q Can you state by whom? Was it by the Park
11 Police?
12 A No. The special prosecutor's office.
13 Q Don't tell me the contents of that.
14 A Okay.
15 MR. JOHNSON: I don't think I have anything
16 further, Glenn. Mr. Ivey may have some questions for
17 you and then at the conclusion of that, I want to say
18 a word about confidentiality. Especially given your
19 current job, I want to say a word about
20 confidentiality. I'm done.
21 EXAMINATION
22 BY MR. IVEY:

1 Q Good afternoon.
2 A Hi.
3 Q Where did you sit in the suite of offices?
4 A In the counsel's office, I sat in the front
5 of the room near the door, the entry into the office.
6 Q So your desk would have been closest to the
7 front door?
8 A That's right, literally on the wall where
9 the door was, so I had my back to everyone in the
10 office.
11 Q So you were facing Vince Foster's office,
12 then?
13 A No. His office would have been to my
14 left. His office door.
15 Q You would have been facing straight out --
16 A I looked at the wall. The door was right
17 to my left, like hit my desk.
18 Q Could you see Mr. Foster's office from
19 where you sat?
20 A Just the doorway.
21 Q What were you doing on the 21st? You came
22 in early to help because you were called.

- 1 A Right.
- 2 Q What did you do?
- 3 A I grabbed the phone whenever it rang. I
- 4 got coffee. We had a coffee tray that I kept
- 5 filling, and I just sat. It was very quiet.
- 6 Q You were very quiet or it was very quiet?
- 7 A The office.
- 8 Q The phones weren't ringing that much?
- 9 A No, they didn't ring that much.
- 10 Q What was the mood of the office there?
- 11 A Just very quiet, not much conversation.
- 12 Q Did you see a lot of activity around
- 13 Mr. Foster's office?
- 14 A No.
- 15 Q Did you see anybody going into his office?
- 16 A I don't recall.
- 17 Q When you were going to get coffee, were you
- 18 getting it for everybody there in the suite of
- 19 offices?
- 20 A Yes.
- 21 Q Were you gone from the office for
- 22 significant periods of time, or were you there most

- 1 of the time?
- 2 A I would say I was there most of the time.
- 3 Q Do you recall anybody from the
- 4 Secret Service, uniformed Secret Service officers
- 5 coming into the office?
- 6 A Yes, and sealing the office.
- 7 Q Sealing the office?
- 8 A Uh-huh.
- 9 Q About what point was that?
- 10 A I don't recall the exact time. I believe
- 11 it was midmorning.
- 12 Q This would be the first day after his
- 13 death?
- 14 A Right.
- 15 Q Was there any conversation in the office
- 16 about that?
- 17 A I remember Linda Tripp making the call to
- 18 seal the office.
- 19 Q Do you know who she called?
- 20 A I don't.
- 21 Q Do you know why Linda Tripp made the call?
- 22 A She was told to make the call.

1 Q Who told her?

2 A I don't recall.

3 Q Why do you think she was told to make the
4 call?

5 A I remember her coming out of Bernie's
6 office and making a call.

7 Q Was Mr. Nussbaum's office door opened or
8 closed when she was in there?

9 A I don't recall.

10 Q But she came out and made a phone call to
11 have the office sealed?

12 A Uh-huh.

13 Q Could you overhear what she was saying on
14 the phone?

15 A I remember her, before she got through,
16 saying something about -- almost mocking, like this
17 should have been done earlier type of comment.

18 Q You mean the call should have been made
19 earlier?

20 A Yes, sealing the office.

21 Q And about how long after she made this call
22 was it before a uniformed officer arrived?

1 A Very soon. I don't remember exactly.

2 Q Did these uniformed officers have shifts?
3 Was the same one there the whole time you were there?

4 A I remember -- I recall two, at least two
5 different agents, and I only specifically remember an
6 agent wearing a blue blazer, not a uniform.

7 Q Can you recall if they were male or female?

8 A I remember definitely a male in a blue
9 blazer. I'm not sure --

10 Q Did they have any paper with them?

11 A No.

12 Q Did anybody go into the office while these
13 people were posted at the door?

14 A I don't remember.

15 Q Can you recall if there was a lock on the
16 door at this point?

17 A When the agent was called in?

18 Q Right.

19 A I don't remember.

20 Q Can you recall before all of this happened
21 if there was a lock on Mr. Foster's door?

22 A I do not know if there was a lock.

1 Q Do you know if there was a lock on
2 Mr. Nussbaum's door?

3 A No. I know there's a key hole, but I do
4 not know if it was ever used or if it was a lock.

5 Q Were you familiar with Mr. Foster's office
6 ever being locked? Do you recall?

7 A No.

8 Q Was the door typically closed to his
9 office?

10 A Only if he had a meeting, someone with him.

11 Q You mentioned earlier that you recall the
12 locksmith may have come?

13 A Yes.

14 Q This was before or after people were posted
15 at the door?

16 A I believe it was after they had gotten the
17 agent to come up.

18 Q Did you see the locksmith do anything?

19 A It's very blurry. I remember the locksmith
20 coming in. I don't remember him working on the door
21 though. I don't remember that.

22 Q Did they use any power tools while you were

50

1 there?

2 A I don't remember.

3 Q Do you think that the big meeting where
4 Mr. Nussbaum and a number of other people went into
5 Mr. Foster's office took place on the same day that
6 the guards were posted?

7 A I don't recall.

8 Q Did there come a time when Mr. Neuwirth or
9 Mr. Sloan talked with all the people in the anteroom
10 area about being interviewed by investigators?

11 A No.

12 Q Did you see anyone go to be interviewed by
13 investigators?

14 A I knew that they were being interviewed.

15 Q Where were they being interviewed?

16 A I don't remember.

17 Q They left the suite of offices that you
18 were in?

19 A Yes.

20 Q And you weren't interviewed by anybody?

21 A Well, can I just say they weren't in our
22 main area. I don't remember if they had gone into

1 Mr. Nussbaum's office, but they weren't in our suite
2 like area, the outer area. It didn't happen there.

3 Q But it may have been in --

4 A It could have been in Mr. Nussbaum's
5 office. I don't remember.

6 Q Do you remember any animated conversation
7 at about the time these interviews were taking place?

8 A No. I don't remember. I don't remember.

9 Q You said that on the Friday that the
10 funeral took place that you, Mr. Castleton and a
11 career worker were in the office.

12 A Right.

13 Q Do you remember who that worker was?

14 A I don't recall her name.

15 Q At what point did you start keeping your
16 own files while you were working at the White House?

17 A This job that I have now, I have my own set
18 of files -- actually, when I worked for Mr. Cutler, I
19 had a few files on my desk. You mean my own files
20 that I work from?

21 Q Yes, yours, not for somebody else.

22 A Right.

1 Q Let me show you this document. It's Z394.
2 Do you recognize that document at all?

3 A It's familiar.

4 Q Would you have gotten this document at or
5 about the time of Mr. Foster's death or the discovery
6 of the note?

7 A I don't remember when I saw it. I would
8 say it would be later.

9 Q In your capacity as press --

10 A I don't remember. It sounds like a press
11 release, but I could have read it before I worked in
12 the press office.

13 MR. MILLS: Can I ask is that the whole
14 document or is that part of something else?

15 MR. IVEY: As far as I know, that's the
16 whole document, although -- I can't finish that
17 sentence, but as far as I know, that's the whole
18 document.

19 I may be done, too.

20 (Pause.)

21 BY MR. IVEY:

22 Q Were you present in the office at the time

1 when the Park Police came to pick up the note that
2 had been discovered in Mr. Foster's office?

3 A I don't know if I was or not.

4 Q Do you recall seeing any investigators from
5 the Park Police during the period between
6 Mr. Foster's death and at or about the time of the
7 discovery of the note?

8 A I only remember that the Park Police had
9 gone into that big meeting with Bernie Nussbaum, but
10 they -- I wouldn't have recognized -- there were no
11 uniforms, it was all business suits, so I don't know.

12 Q Did any of them talk to you about
13 Mr. Foster's movements on July 20th, what he had done
14 that day, or where he might have been?

15 MR. MILLS: Did any of who?

16 MR. IVEY: The investigators.

17 THE WITNESS: No.

18 BY MR. IVEY:

19 Q When you answered phones, did you ever
20 answer Mr. Foster's line?

21 A Yes, sometimes.

22 Q Were you questioned at all about phone logs

1 that might have belonged to Mr. Foster? This is
2 again, by the investigators that would have come
3 during July of '93.

4 A No.

5 MR. IVEY: I have no other questions.

6 MR. JOHNSON: David, do you have anything
7 to add?

8 MR. MILLS: I have nothing.

9 MR. JOHNSON: Ms. MacDonald, thank you very
10 much for your cooperation. Let me just emphasize
11 something that I know is obvious to you. The
12 confidentiality of these proceedings is extremely
13 important to the committee and to the staff, and we'd
14 be grateful if you wouldn't discuss this deposition
15 with anyone at all.

16 THE WITNESS: Okay.

17 MR. JOHNSON: Thank you.


18 (Whereupon, at 4:00 p.m., the deposition
19 was concluded.)
20
21

CERTIFICATE OF NOTARY PUBLIC & REPORTER

55

I, JULIE BAKER, the officer

before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

DEPONENT

Marlene MacDonald

ERRATA

[illegible]

**DEPOSITION OF BETSY POND
IN RE: S. RES. 120**

MONDAY, JUNE 26, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of BETSY POND, called for examination pursuant to notice of deposition, at 2:40 p.m. in Room 534 of the Dirksen Senate Office Building, before BRENDA M. SMONSKEY, a Notary Public within and for the District of Columbia, when were present:

ROBERT J. GIUFFRA, JR., Esq.
Majority Chief Counsel
EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
NEAL E. KRAVITZ, Esq.
Minority Principal Deputy Special Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

THOMAS R. DYSON, Esq.
Attorney at Law
1440 New York Avenue, NW
Suite 320
Washington, DC 20005
On behalf of the Deponent.

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EXHIBITS

Betsy Pond DEPOSITION NUMBER	IDENTIFIED
Park Police Exhibits 30 and 31	112, 1133

1 PROCEEDINGS

2 MR. GIUFFRA: Ms. Pond, my name is Robert
3 Giuffra. I'm the chief counsel of the Banking
4 Committee. To my left is Neal Kravitz. He is a
5 Democratic principal deputy special counsel. I think
6 I got it all right.

7 This deposition is being conducted pursuant
8 to Senate Resolution 120. This resolution
9 establishes a special committee administered by the
10 Banking Committee to conduct an investigation
11 involving Whitewater Development Corporation, Madison
12 Guaranty Savings and Loan Association, Capital
13 Management Services, Inc., the Arkansas Development
14 Finance Authority, and other related matters.
15 Section I.B.1 of Senate Resolution 120 authorizes an
16 investigation and public hearings into "whether
17 improper conduct occurred regarding the way in which
18 White House officials handled documents in the office
19 of White House Deputy Counsel Vincent Foster
20 following his death." This particular paragraph will
21 be the focus of today's deposition.

22 I have a copy of Senate Resolution --

1 MR. DYSON: I have one.

2 MR. GIUFFRA: You were requested to testify
3 by letter to Jane Sherbourne, Special Counsel to the
4 President, June 21, 1995. This deposition is in
5 advance of public hearings likely to be held in July
6 and there is a reasonable possibility you will be
7 asked to testify. We will let you know in advance of
8 the hearings so you can plan your schedule.

9 I will be asking you a series of questions
10 today, and then Mr. Kravitz will be asking you a
11 series of questions. You will be testifying under
12 oath. If you don't understand a question, please let
13 me know and I will rephrase it. I have a tendency to
14 speak quickly, so I will slow it down if you want me
15 to at any point.

16 If you need a break, again, let us know and
17 we will have a break. The stenographer will prepare
18 a record of the questions and answers. This
19 deposition will be treated as committee confidential
20 until the commencement of hearings, meaning that it
21 will not be publicly disclosed. We would ask that
22 you also do not disclose the contents of your

1 testimony here today.

2 You have a right to be represented by
3 counsel. I see that you are represented by
4 Mr. Dyson. Maybe Mr. Dyson wants to state his name
5 for the record.

6 MR. DYSON: For the record, my name is
7 Thomas R. Dyson. I'm an attorney admitted in the
8 District of Columbia with offices at 1440 New York
9 Avenue, Northwest.

10 MR. GIUFFRA: Objections to the form of
11 questions may be noted for the record. Counsel may
12 object on grounds of privilege or relevance. There
13 are procedures specified in the resolution for the
14 conduct of depositions, and with regard to relevance
15 objections, we either proceed or ask the Chairman of
16 the Committee to rule on such objections.

17 You will be given an opportunity to review
18 a transcript of the deposition and you can make
19 corrections to any errors in transcription at that
20 time. We will give you a chance to do that.

21 Do you have any questions?

22 THE WITNESS: No, I do not.

1 MR. GIUFFRA: Please swear in the witness.
2 Whereupon,

3 BETSY POND
4 was called as a witness and, having first been duly
5 sworn, was examined and testified as follows:

6 EXAMINATION

7 BY MR. GIUFFRA:

8 Q Please state your name for the record.

9 A Betsy Pond, P-o-n-d.

10

11

12 Q Your present business address?

13 A The White House, Washington, D.C.

14 Q And what is your present position?

15 A I work in the counsel's office.

16 Q Whom do you work for?

17 A I am a staff assistant in Beth Nolan's
18 office.

19 Q What does Beth Nolan do?

20 A She is Associate Counsel to the President.

21 Q Does she have any responsibility for what
22 is known as Whitewater matters?

1 A No, she does not, not to my knowledge.

2 Q And could you, just going backward from
3 your present position, just give us what your
4 employment history has been, both at the White House
5 and previously.

6 A I began working in the White House in March
7 1993 for Bernard Nussbaum. Prior to that, I worked
8 for the law firm of Paul, Hastings, Janofsky &
9 Walker, the Washington office.

10 Q Did you work for Mr. Nussbaum until he
11 resigned as counsel?

12 A Yes.

13 Q When was that?

14 A He resigned in March 1994.

15 Q And did you then begin working for
16 Ms. Nolan at that point?

17 A No, I went across the street and I worked
18 for Bill Kennedy and Beth Nolan.

19 Q This would be William Kennedy, who was
20 associate counsel?

21 A Right.

22 Q You worked for him in March of 1994?

1 A Yes.

2 Q Until when?

3 A Until he resigned in November of whatever
4 year that was, the following year, 1994.

5 Q Were you his primary assistant?

6 A Yes.

7 Q Now are you the primary assistant for
8 Ms. Nolan?

9 A No.

10 Q What are your duties for Ms. Nolan at this
11 point?

12 A Well, she is just like the overall
13 supervisor.

14 Q Do you work in a pool?

15 A No, I don't.

16 Q I'm just trying --

17 A I just work on special projects.

18 Q What type of special projects?

19 A I don't know, just things that come up.

20 Right now, I'm working on Dr. Foster's nomination
21 papers, getting those put together.

22 Q So you handle administrative matters for

1 the counsel's office on an ongoing basis?

2 A Right.

3 Q You don't work -- you work for Beth Nolan,
4 but she is not your -- you are not her primary
5 assistant?

6 A No.

7 Q Are there other types of matters? Just
8 give us some sense of other types of matters that you
9 work on now.

10 A Any kind of matters that come up that need
11 some --

12 MR. DYSON: Can we go off the record for a
13 second?

14 MR. GIUFFRA: Sure.

15 (Discussion off the record.)

16 BY MR. GIUFFRA:

17 Q Can you --

18 A Any kind of special projects that might
19 come up that need someone to handle for them.

20 Q Can you, just thinking back, say, since
21 March of '94 when I imagine you went into this
22 position, can you name just a few of the special

10

1 projects you have worked on.

2 A Sure. I have worked on getting nominations
3 up to the Senate, the background papers, financial
4 disclosure forms, background information, things of
5 that nature.

6 Q So, government ethics-type stuff?

7 A Vetting ethics.

8 Q When you worked for Mr. Kennedy, did you
9 have any responsibility for anything that might
10 broadly be defined as Whitewater matters?

11 A No.

12 Q Did he have any responsibility for
13 Whitewater-related matters so far as you know?

14 A Not, to my knowledge, he didn't.

15 Q Then you were at Paul, Hastings. Were you
16 a legal administrative assistant?

17 A No, I was the government coordinator. I
18 did legislative and government regulatory affairs.

19 Q Prior to being at Paul, Hastings?

20 A I was there for 12 years.

21 Q Is that congressional lobbying-type stuff?

22 A Yes.

1 Q And your educational background, just
2 roughly?

3 A I graduated from high school, went to a
4 year of business school. I have just taken courses
5 since, but I don't have any degree.

6 Q Are you aware of a document request which
7 is dated June 2nd, 1995 which was sent to Judge Mikva
8 by Chairman D'Amato and Ranking Member Sarbanes?

9 This document request asks for documents
10 generally related to the handling of the papers in
11 Mr. Foster's office at the time of his death.

12 A I probably have seen this.

13 Q Do you know whether any documents that are
14 in your possession or control that would be
15 responsive to this request have been turned over?

16 A I never had any documents.

17 Q You never had any notes or any memos?

18 A No.

19 Q Or anything that could be related to
20 Mr. Foster's papers?

21 A No.

22 Q You never wrote any memos to files?

12

1 A No.

2 Q Never took any notes when you were at
3 meetings?

4 A No.

5 Q Instructions people gave you.

6 Did you prepare any inventories of the
7 documents in Mr. Foster's office?

8 A No.

9 Q In preparing for this deposition, other
10 than counsel, have you spoken with anyone else?

11 A I spoke to Jane Sherbourne's office telling
12 me when I would come over here.

13 Q Did you have any other discussions with
14 Ms. Sherbourne?

15 A No, I never talked to Jane Sherbourne. I
16 talked to Marian.

17 Q That's her assistant?

18 A Uh-huh.

19 Q Have you had any discussions with anyone
20 else at the White House with regard to your testimony
21 today?

22 A No.

1 Q On July 20, 1993, which is the date of
2 Mr. Foster's death, you were Mr. Nussbaum's executive
3 assistant?

4 A Correct.

5 Q Could you briefly describe what your
6 responsibilities were.

7 A I was in charge of the office, the
8 day-to-day runnings. I handled Mr. Nussbaum's
9 schedule, just made sure that things were running as
10 smoothly as possible. I guess that's about all I can
11 think of.

12 Q Now, I don't have a map of the counsel's
13 office, but when you go into the counsel's office,
14 there are, I guess, four desks, there are two on the
15 right side and then two on the left side.

16 A Uh-huh.

17 Q Which desk did you sit at?

18 A The first desk to the left. This is
19 Nussbaum's office. I sat here. This is Foster's
20 office.

21 Q So you sat closest to Mr. Nussbaum's
22 office?

1 A Yes.

2 Q And who was in the other desks at that
3 point that you recall?

4 A Directly across from me to my right was
5 Deborah Gorham.

6 Q She reported to --

7 A Mr. Foster.

8 Behind Deborah sat Tom Castleton. Across
9 from Tom sat Linda Tripp.

10 Q Tom Castleton, was he a paid employee?

11 A Yes, sir, he was. We also had a volunteer
12 desk.

13 Q What was Tom Castleton's responsibilities?

14 A He handled mail.

15 Q Just opening and closing mail and routing
16 it?

17 A And routing it.

18 Q And Linda Tripp's responsibilities?

19 A She had just started working with us, and
20 she handled correspondence, taking dictation for
21 Mr. Nussbaum.

22 Q Who was the volunteer at that point?

- 1 A Marlene McDonald.
2 Q And these people all reported to you, is
3 that correct, in terms of management?
4 A Yes.
5 Q Did you have meetings with those people,
6 the staff assistant?
7 A Not on an ad hoc basis.
8 Q Did you do any work for Mr. Foster?
9 A No.
10 Q Your work was fairly much focused on
11 Mr. Nussbaum, his schedule?
12 A In the office.
13 Q Had you worked with Mr. Nussbaum before
14 coming to the White House?
15 A Yes, I did.
16 Q When was that?
17 A I worked for Mr. Nussbaum on the
18 impeachment inquiry staff in 19-, I believe it was
19 '74.
20 Q That was the only time you worked with
21 Mr. Nussbaum?
22 A Yes.
-

- 1 Q Did you know Mrs. Clinton from that time?
2 A Yes, I did.
3 Q Did she work with you on the impeachment?
4 A Yes, she did.
5 Q How did you get your job with
6 Mr. Nussbaum? Did you apply for it or did someone
7 contact you?
8 A No, I contacted Mr. Nussbaum.
9 Q Did Linda Tripp do any work for Vincent
10 Foster?
11 A No, she did not.
12 Q She was also primarily doing secretarial
13 work for Mr. Nussbaum?
14 A Yes, she was.
15 Q Deborah Gorham was primarily handling
16 Mr. Foster's work?
17 A Correct.
18 Q And she did, what, all of his work for him?
19 A All of his work.
20 Q That would be just normal secretarial work?
21 A Yes.
22 Q Did you help Deborah Gorham answer

1 Mr. Foster's phone?

2 A We all answered the telephones in the
3 office. The telephones were quite busy, so whoever
4 was available picked up whatever telephone.

5 Q And just answered "counsel's office"?

6 A Yes, "counsel's office."

7 Q With regard to phone messages, were they
8 recorded on paper, you know, note message pads or was
9 it done through an E-mail system?

10 A No, it was not done through an E-mail
11 system. I think basically what happened, if we had
12 volunteers in the office or we had a detailee or
13 whatever, some people used message pads with carbon
14 copies on them. Other times, we used the little
15 government issue phone messages, gave them --

16 Q The pink ones; right?

17 A Well, pink, yellow, whatever ones they
18 were. I would give them to Deborah if she were
19 there, and she would put them into a telephone system
20 that we were trying to get set up on our computers.

21 Q Was that system in place on July 20, 1993?

22 A You know, I can't remember.

1 Q Okay. Was an attempt made to keep a log of
2 the incoming phone calls for either Mr. Nussbaum or
3 Mr. Foster?

4 A Well, we were attempting to try to get some
5 kind of a system going, but for the life of me, I
6 cannot remember when. We tried several different
7 things. We tried several different methods of trying
8 to keep track of them. I don't know what Deborah
9 did, but I had different systems that I tried to keep
10 for Mr. Nussbaum. We were both trying out different
11 systems.

12 Q Did he keep records of his incoming calls?

13 A Who?

14 Q Mr. Nussbaum.

15 A No.

16 Q Or his outgoing calls?

17 A No, I keep the only.

18 Q You maintained a record of his incoming
19 phone calls insofar as you knew, who had called him
20 in the course of each day?

21 A Not verbatim. If he took a telephone call,
22 if he were in the office and I passed a phone call on

1 to him, I didn't note that.

2 Q But if it was a call where there was a
3 message kept, you would keep all the messages?

4 A Yes.

5 Q And those would be kept in some central
6 storage place in the office?

7 A No, they were on my computer.

8 Q So what you would do is you would get the
9 hard message, the paper messages and then at the end
10 of the day input them into the computer or input them
11 on an ongoing basis?

12 A Input them on an ongoing basis.

13 Q Did you ever print out the messages?

14 A Yes.

15 Q And those might have been kept in hard
16 copy?

17 A They were given to Mr. Nussbaum.

18 Q I see. This would be -- these would be a
19 list of all the people who called him and then he
20 would know who to return?

21 A Right.

22 Q What did he do with those sheets of paper

20

1 after he was done with them?

2 A I think he just put them in the burn bag.

3 Q You kept them on the computer?

4 A Uh-huh.

5 Q That would be where? On the hard drive of
6 the computer or on a disk?

7 A Both.

8 Q You kept them in both places?

9 A Yes, but it -- it was an ongoing list that
10 if a call were returned, I removed it from the list.

11 Q So you would delete the messages?

12 A Yes.

13 Q It was an ongoing list that kept going day
14 to day?

15 A Yes. And as things were crossed out or if
16 I knew he had returned a call, I deleted that
17 person.

18 Q So, for example, if there was a particular
19 date and someone wanted to know who called
20 Mr. Nussbaum on a particular date, would there be
21 records that would be presently available that would
22 allow someone to ascertain that information?

1 A Not to my knowledge.

2 Q So it is not possible to determine who, for
3 example, would have called Mr. Nussbaum on, say, July
4 21, 1993?

5 A No, not that I'm aware of.

6 Q Unless someone kept the hard message with
7 the paper messages?

8 A Right.

9 Q Because the computer ones would have been
10 knocked off?

11 A Right.

12 Q Did you keep a log of visitors to either
13 Mr. Nussbaum or Mr. Foster?

14 A No, I did not.

15 Q Did Mr. Nussbaum have his own private line,
16 telephone line?

17 A Well, we had three lines, and Vince had
18 three lines. Now, whether there were any --

19 Q What were the -- do you know what the
20 extension numbers were of the Foster lines?

21 A Foster's were 456-6611.

22 Q 6611, yes.

1 A And I don't know whether it was 11, 12, or
2 13 or if there were three numbers, three lines
3 attached to 11, you know what I mean, kicked over. I
4 don't recall that.

5 Q What were Mr. Nussbaum's numbers?

6 A 456-2632.

7 Q 2632?

8 A Uh-huh.

9 Q What was the main number for the counsel's
10 suite?

11 A That's it, 2632.

12 Q Did he have a separate number other than
13 this 2632 number?

14 A See, I don't remember that. I don't
15 recall.

16 Q Let me ask you just generally with regard
17 to the filing of documents in the counsel's office,
18 is there a central filing system that is maintained?

19 A Well, there were files in the back of the
20 room for the counsel's office. Tom maintained those
21 and Linda Tripp maintained those just on like working
22 files.

1 Q Would those working files -- those would be
2 maintained in the office where the staff assistant
3 sat?

4 A Yes.

5 Q That's the outer office?

6 A Yes.

7 Q That would be in the back of the outer
8 office?

9 A Yes.

10 Q Were these standard file cabinets?

11 A Yes.

12 Q Would those file cabinets contain work
13 product of both Mr. Nussbaum and Mr. Foster?

14 A No. Just Mr. Nussbaum.

15 Q Just Mr. Nussbaum.

16 You did not -- did you maintain an
17 inventory of those files?

18 A No.

19 Q Were they just categorized alphabetically
20 by subject matter?

21 A Yes, I kept some files in there like
22 speaking engagements and things like that, but that

1 was the only thing I kept.

2 Q You kept in your personal files, or were
3 these the files in the back?

4 A I had a drawer in the back that I kept my
5 files in.

6 Q What other types of documents would have
7 been maintained in the file cabinet in the back?

8 A Chron files, subject files.

9 Q In those -- let's just call those -- for
10 ease of reference, we will call those the central
11 files just because they are in that central area.
12 Were there any files maintained in those central
13 files having to do with the President and
14 Mrs. Clinton's personal finances?

15 A Not that I'm aware of.

16 Q Were these basically ongoing projects that
17 were started after the President came into office?

18 A Yes.

19 Q Nominations, vetting files?

20 A Uh-huh, and issue files like gays in the
21 military or things like that.

22 Q Was there a file maintained in that main

1 room or the outer office having to do with Whitewater
2 Development Corporation?

3 A Not that I'm aware of.

4 Q Could you see into Mr. Foster's office from
5 your desk?

6 A I could see --

7 Q The wall of Mr. Foster's?

8 A I could see right across from my desk was
9 like looking at that door right there (indicating).

10 And if you open that door, there was a wall and there
11 was like a cabinet facing that wall, and then around
12 the counter.

13 Q You went to the left and that was where his
14 office was, the main part of his office?

15 A Yes.

16 Q So you faced the door to Vince Foster's
17 office?

18 A Yes.

19 Q When someone went into the office, there
20 would be a file cabinet right up against that door?

21 A It wasn't a file cabinet.

22 Q A credenza of some sort?

1 A Yes.

2 Q Were the papers maintained on top of the
3 credenza?

4 A No, not that I remember.

5 Q Were papers maintained inside the credenza,
6 as far as you recall?

7 A I really don't know.

8 Q Do you have any general recollection as to
9 what was maintained in that particular credenza?

10 A Actually, I thought it was something like a
11 wet bar that had just glasses and things like that in
12 it.

13 Q Did Mr. Foster maintain a neat office?

14 A Yes.

15 Q He was someone who kept papers in a very
16 orderly way on his desk?

17 A I really didn't go into his office that
18 often, but he was a neat man, an orderly man.

19 Q Very organized?

20 A He appeared to be.

21 Q From your discussions with Ms. Gorham, did
22 you get the sense that he was an organized office --

1 A We never discussed it.

2 Q Did he spend a lot of time with Ms. Gorham
3 discussing filing procedures or things like that?
4 Did that ever come up as far as you can recall?

5 A Not in my presence.

6 Q Mr. Foster maintained all of his work
7 product in his personal office as far as you knew?

8 A His work product?

9 Q The things he was working on, the files on
10 matters he was working on, were they kept strictly in
11 his office or were they also kept in the main office?

12 A The only thing I know is that there were
13 some files separate from our files in front of
14 Deborah's office that I remember seeing her file
15 things in there from time to time. I have no idea
16 what was in those files.

17 Q So, some matters that Vince Foster worked
18 on, would the filing for those matters have been
19 maintained in what we have described as the main
20 office files?

21 A I don't know what those files were.

22 Q Did you see Deborah use or file things in

1 those files?

2 A No, she did not. I said they were in front
3 of -- Deborah Gorham's desk was right here. There
4 was a file cabinet right in front that she filed
5 things in. I do not know what was filed in there.

6 Q Let me just see if I can -- when you walk
7 into that main office, her desk was perpendicular as
8 you came in and your desk was perpendicular alongside
9 her desk?

10 A Yes.

11 Q And the file cabinets would have been in
12 front of the desk, so immediately, when you walk into
13 that main suite, the file cabinets would have been in
14 front of her desk?

15 A Yes, there was a two-drawer file cabinet in
16 front of her desk.

17 Q So far as you knew, some of Mr. Foster's
18 papers were maintained in that file cabinet?

19 A I don't know that they were Mr. Foster's
20 papers. I don't know what was in that file cabinet.
21 I saw Deborah filing in the file cabinet.

22 Q Did Deborah do filing for other --

- 1 A No, she did not.
- 2 Q Was it a regular occurrence for Deborah to
3 be filing documents in that file cabinet?
- 4 A I really -- yes, she would file things in
5 the file.
- 6 Q On a daily basis?
- 7 A I don't know how often she filed files.
- 8 Q Was that a locked file cabinet?
- 9 A I don't know.
- 10 Q The file cabinets in the back of the main
11 suite, were those locked file cabinets?
- 12 A I don't know if there were keys to those
13 file cabinets or not. The whole entire suite was
14 secured every night. So I don't recall if those
15 filing cabinets were locked or not.
- 16 Q You did not have a key to those filing
17 cabinets, yourself, that you recall?
- 18 A Not that I recall, I did not.
- 19 Q One would think that you would probably
20 have had the key.
- 21 A I would probably have known about it, I
22 think.

- 1 Q Now, if someone needed to locate a document
2 that was maintained in Mr. Foster's office, Deborah
3 Gorham would have been the person who would have
4 known where to find that particular document?
- 5 A Yes.
- 6 Q Did Ms. Tripp do any filing in Mr. Foster's
7 office?
- 8 A Not to my knowledge.
- 9 Q Did Mr. Castleton?
- 10 A He may have. I don't know.
- 11 Q In terms of other file cabinets Mr. Foster
12 may have maintained, when you walked into his office,
13 we talked about the wet bar as you walked right in.
14 Were there other file cabinets in the office that you
15 can recall?
- 16 A He had a credenza to the left of his --
17 actually, his desk was here. So it would have been
18 to the right of his desk.
- 19 Q To the right looking into the office?
- 20 A No. Against the wall.
- 21 Q On the right-hand side on the wall?
- 22 A Well, there was some bookcase or something

1 on the right.

2 Q So this would have been on the left when
3 you looked in?

4 A Yes, there was a credenza -- say his desk
5 was here. There was a bookcase with a TV over here
6 and a credenza against this wall here. I think just
7 one credenza.

8 Q The credenza would have been on the
9 left-hand side looking into the office?

10 A Yes.

11 Q The bookcase would have been on the
12 right-hand side?

13 A Yes.

14 Q Was there a file cabinet on the wall
15 immediately to your right when you turned into the
16 office?

17 A I don't recall.

18 Q Was the credenza a place where one would
19 store files? Was it that sort of credenza?

20 A Yes, it was a credenza with drawers that
21 pulled out or opened.

22 Q Was there also a place to store files in

32

1 the bookcase?

2 A Well, it was a bookcase.

3 Q There is no place to store files in the
4 bottom of the bookcase?

5 A I don't recall.

6 Q Do you recall whether Mr. Foster stored
7 papers on top of the bookcase?

8 A Yes, I do recall that.

9 Q Would he stack the files on top of the
10 bookcase?

11 A I recall seeing papers stacked there. I
12 don't recall seeing any files, per se. I don't know
13 what they were.

14 Q Were those files maintained in -- were the
15 papers just maintained loosely or were they kept in
16 files?

17 A I don't recall.

18 Q Do you recall whether the files that
19 Ms. Gorham would be handling, were they hanging files
20 or files that just dropped into a --

21 A I don't recall.

22 Q Do you recall whether the other files that

1 were maintained in the counsel's office were hanging
2 files or files that would just be dropped into a file
3 cabinet?

4 A I think they were both. I think there were
5 hanging files and file folders that you could drop
6 things in.

7 Q Do you know whether the files that were
8 maintained in Mr. Foster's office, whether any of
9 those file cabinets could be locked?

10 A I do not know.

11 Q Just to sort of clean this up, do you
12 recall, again, whether there was a file cabinet on
13 the right-hand side? Mr. Foster would have been
14 looking out from his desk. Was there a file cabinet
15 in front of his desk?

16 A I don't recall one.

17 Q Let's just talk about Mr. Nussbaum's office
18 for a second. Did he maintain files in his office?

19 A No.

20 Q He did not have any file cabinets in his
21 office?

22 A I don't -- he had a desk --

1 Q He had the desk and there is a pillar next
2 to the desk.

3 A Yes, and then the safe is over here. I
4 don't think there were any file cabinets in his
5 office.

6 Q Let's talk about the safe. Was it one safe
7 or two safes?

8 A It is a desk like a desktop like this, one
9 drawer on the left side, one drawer on the right
10 side. I mean a cabinet.

11 Q Is this part of his desk or is this to the
12 right of the desk?

13 A No, this is part of the standing desk.
14 Have you been in that office?

15 Q Yes.

16 A You are aware of the standing desk?

17 Q Yes.

18 A Underneath that, there is a file cabinet to
19 the left and a file cabinet to the right. Both of
20 those were safes.

21 Q And were these the type of safes with
22 combinations?

1 A Yes, they were.

2 Q Who maintained those combinations? Did you
3 know the combination to the safe?

4 A I did know the combination to the safe.

5 Q Do you know who else maintained --

6 A Deborah did, Mr. Nussbaum did, and
7 Mr. Foster did.

8 Q And were those the only safes in the
9 counsel's suite?

10 A Yes, they were.

11 Q That would at least be in the west wing.

12 A I don't know how many safes are in the west
13 wing.

14 Q I mean in the counsel's suite within the
15 west wing. There are also counsel's offices over in
16 the old Executive Office Building and there may be
17 some safes in the old Executive Office Building?

18 A Yes.

19 Q Let me just ask one other question and then
20 we will come back to the safes. Did either
21 Mr. Nussbaum or Mr. Foster maintain documents
22 anywhere outside of the suite, the counsel's suite in

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1 the west wing, insofar as you knew?

2 A Not that I'm aware of.

3 Q So they wouldn't have maintained -- there
4 is not a central filing repository in the west wing
5 or in the old Executive Office Building for the
6 counsel's office?

7 A No, there is a records management unit that
8 eventually documents are turned over to, but that is
9 the central file for the White House.

10 Q That would be correspondence, for example?

11 A Yes.

12 Q What types of documents would be provided
13 to the central management, what is it called, central
14 management retrieval system, something?

15 A Records management. Not mail, mail that
16 didn't require response. Our mail was mostly routed
17 to the counsel's office across the street, and they
18 handled it over there.

19 Q This would be just standard letters that
20 would come in?

21 A A letter supporting a judge, supporting any
22 United States Attorney, something of that nature.

1 Q Let me ask a question. Were there written
2 or office procedures that you prepared for the
3 counsel's office?

4 A I don't understand that question.

5 Q Did the counsel's office maintain written
6 procedures for the support staff?

7 A Not that I'm aware of.

8 Q For example, procedures that would provide
9 assistance to someone in determining where documents
10 should be filed or when a document --

11 A No, I don't recall.

12 Q No memos discussing filing procedures for
13 the entire counsel's office?

14 A Not that I'm aware of.

15 Q Let's go back to the safe. You testified
16 that you had the combination, Ms. Gorham had the
17 combination, Mr. Nussbaum had the combination, and
18 Mr. Foster had the combination. Did anyone else have
19 the combination?

20 A I would assume that the security office
21 across the street had it, but I don't know that.

22 Q Do you know whether Ms. Thomasson had the

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1 combination?

2 A No, I do not.

3 Q Do you know whether Mr. Livingstone had the
4 combination?

5 A No, I do not.

6 Q Do you know the names of anyone else who
7 would have had the combination?

8 A No, I do not.

9 Q What sort of files were maintained in those
10 safes?

11 A The files that I'm aware of were sensitive
12 matters. National security matters is all I'm aware
13 of.

14 Q Did you regularly file documents within
15 those safes?

16 A No, I couldn't get the safes open.

17 Q You had the combination, but you never were
18 able to open the safes?

19 A No, I never once was able to get that safe
20 open.

21 Q Where did you maintain the combination?

22 A I had it taped underneath one of my file

1 drawers.

2 Q In your personal desk?

3 A Yes.

4 Q Do you know where Ms. Gorham maintained her
5 combination?

6 A No, I do not.

7 Q Do you know where Mr. Foster maintained his
8 combination?

9 A No, I do not.

10 Q Mr. Nussbaum?

11 A No, I do not.

12 Q Did you have on it a "safe combination"?

13 A No.

14 Q Did Ms. Gorham know how to operate the
15 safe?

16 A Yes.

17 Q Did she regularly put documents in the
18 safe?

19 A Whenever documents needed to be put in the
20 safe or taken out of the safe, Deborah usually did it
21 because she was the only one who could operate the
22 safe.

1 MR. GIUFFRA: Off the record.

2 (Discussion off the record.)

3 BY MR. GIUFFRA:

4 Q How often did Ms. Gorham file documents
5 within the safe, just on a rough basis?

6 A On a rough basis, perhaps once a week,
7 perhaps once every two weeks. It was not something
8 that happened. To my knowledge, I mean, if I had
9 things to go into the safe, it may have been every
10 week, every two weeks. I'm not sure --

11 Q She would just go into Mr. Nussbaum's
12 office when he wasn't there?

13 A Yes.

14 Q How big were these safes?

15 A Two-drawer filing cabinets, regular
16 standard government issue, about this high, two
17 drawers each. (Indicating.)

18 Q Some of Mr. Foster's papers would have been
19 maintained in those safes?

20 A I imagine so.

21 Q Do you know whether other people in the
22 White House were aware of the document filing system

- 1 in the counsel's office?
2 A I am not aware of it.
3 Q Now, just from having been to the west
4 wing, it is my understanding that the First Lady's
5 office is the office immediately next to the
6 counsel's office; is that correct?
7 A Correct.
8 Q And who worked in the First Lady's office,
9 so far as you knew, on July 20, 1993?
10 A Pam Barnett, but her name is now something
11 like Cisetti.
12 Q Pam Cisetti?
13 A Uh-huh.
14 Q Does she still work for Mrs. Clinton?
15 A Yes.
16 Q In the same position?
17 A Yes.
18 Q Is she sort of a personal assistant?
19 A Yes.
20 Q Do you know what her responsibilities are?
21 A No.
22 Q Who else would have been in the First

- 1 Lady's office at that point?
2 A That is the only person, unless there was a
3 volunteer in.
4 Q Did Ms. Williams have an office there? Do
5 you know who Maggie Williams is?
6 A Yes.
7 Q What is her position?
8 A She is chief of staff to the First Lady.
9 Q Did she maintain an office on the second
10 floor?
11 A Yes.
12 Q And her office was right next to the
13 counsel's office?
14 A No.
15 Q No, it was not?
16 A It was counsel's office, First Lady's
17 office, and Maggie's office.
18 Q In order to get into the First Lady's
19 office, there was an anteroom, some sort of a --
20 A Yes, a little room where Pam sat.
21 Q Pam sat there. Then Ms. Williams's
22 office -- then you have the First Lady's office, and

1 then Ms. Williams's office was to the left of the
2 First Lady's office?

3 A Yes.

4 Q Could one go from Ms. Williams's office
5 directly into the First Lady's office?

6 A I don't believe so.

7 Q So you had to go out into the hallway?

8 A Yes.

9 Q Did Ms. Williams have an assistant?

10 A Not in the west wing, I don't believe.

11 Q Did a woman by the name of Evelyn Lieberman
12 work for either Ms. Williams or the First Lady?

13 A I believe she worked for Maggie.

14 Q What was her position?

15 A I don't know her title, but she was
16 Maggie's primary assistant.

17 Q Did she maintain -- did Ms. Lieberman
18 maintain an office in the west wing?

19 A No, not to my knowledge.

20 Q She would have maintained an office in the
21 old Executive Office Building?

22 A Yes.

1 Q The First Lady maintains an additional
2 suite of offices in the old Executive Office
3 Building?

4 A I don't have personal knowledge of that.

5 Q You don't know whether the First Lady also
6 maintains offices in, is it the east wing?

7 A I do not know that personally.

8 Q And you don't know where Ms. Lieberman
9 would have been situated?

10 A No, I do not.

11 Q Whether she would have been in the west
12 wing or the old Executive Office Building?

13 A She was not on the second floor of the west
14 wing.

15 Q Okay, not on the second floor.

16 With what frequency, to the best of your
17 recollection, in the period, let's say -- you came in
18 March '93 through July '93 -- did Ms. Williams see
19 Mr. Foster or visit?

20 A On a scale of what?

21 Q Every day, twice a day, three times a day,
22 once a week.

1 MR. KRAVITZ: Can we just clarify what the
2 question is. There are really two questions out
3 there. One question was, how often did they see each
4 other. I'm not sure you would be able to answer that
5 question. The other question was, how often was
6 Mr. Foster visited by Ms. Williams. You may be
7 better able to answer that one.

8 I don't know which question you want
9 answered.

10 BY MR. GIUFFRA:

11 Q How often, in a rough estimate, how often
12 was Mr. Foster visited by Ms. Williams? Was she a
13 regular visitor to Mr. Foster's office?

14 A I would say yes.

15 Q Do you think she would have visited once a
16 day, twice a day?

17 A Maybe once a day, maybe once every other
18 day.

19 Q And was Ms. Williams a regular visitor of
20 Mr. Nussbaum?

21 A No.

22 Q So, it just would have been with Mr. Foster

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1 would have been her primary contact?

2 A Yes.

3 Q Did Ms. Lieberman ever come up to see you
4 very often?

5 A I didn't even know who Evelyn Lieberman was
6 until six months ago. I didn't know what she looked
7 like physically.

8 Q How did you learn who Ms. Lieberman was?

9 A Somebody pointed her out to me.

10 Q Do you remember the context in which they
11 pointed her out to you?

12 A She works in the press office. I was in
13 the press office, and I said, who is that; and they
14 said, that is Evelyn Lieberman.

15 Q Did Ms. Williams call Mr. Foster on a
16 fairly regular basis?

17 A Yes.

18 Q Would you say, again roughly, once a day,
19 twice a day?

20 A I don't recall the frequency. I remember
21 answering the telephone and it was Maggie on the
22 phone.

- 1 Q Did Mr. Foster, so far as you knew, visit
2 Ms. Williams on a fairly regular basis?
3 A I have no knowledge of that.
4 Q Was Ms. Thomasson a regular visitor of
5 Mr. Foster?
6 A No.
7 Q Do you recall her ever visiting Mr. Foster?
8 A I recall her being in our suite, not
9 frequently. I knew who Patsy was.
10 Q How about Mr. Watkins? You know who
11 Mr. Watkins is, David Watkins?
12 A Yes.
13 Q He was what, assistant to the President for
14 Administration and Management?
15 A Yes.
16 Q Insofar as you knew, what were his
17 responsibilities?
18 A Mr. Watkins?
19 Q Yes.
20 A He was in charge of administration.
21 Q Was he a regular visitor of Mr. Foster's?
22 A It's hard for me to say when you are saying

- 1 "regular visitor."
2 Q Once a week, once every day --
3 A Once a week.
4 Q Who were some of the people who worked in
5 the west wing who were regular visitors of
6 Mr. Foster?
7 A You have to understand what the nature of
8 the counsel's office was. We didn't have time to sit
9 around and gauge how many times somebody visited. It
10 was just something that didn't register. It was a
11 very hectic office. That's why I hesitate to answer
12 you, because I can't remember how often people came
13 in and out.
14 Q Was the First Lady a regular visitor of
15 Mr. Foster?
16 MR. DYSON: What do you mean by "regular"?
17 BY MR. GIUFFRA:
18 Q Did she visit the office, say, once a week?
19 A No.
20 Q Once every two weeks?
21 A Maybe every two weeks, maybe every three
22 weeks. The First Lady stops in and waves.

1 MR. DYSON: In the past when you used the
2 word "regular," you are now defining that as once a
3 week?

4 MR. GIUFFRA: I believe that Ms. Pond, with
5 regard to Ms. Williams, testified that Ms. Williams
6 stopped by the office about once a day.

7 MR. DYSON: No, no, no, I don't have a
8 problem with that. When you are asking questions and
9 you ask if X visited Mr. Foster's office regularly,
10 to you "regularly" means once a week? Is that --

11 MR. GIUFFRA: I don't think I would want to
12 define it to be once a week. We can ask the question
13 whether X visited once a week or more frequently.

14 MR. DYSON: Why don't you do that rather
15 than using the word "regularly."

16 MR. GIUFFRA: I will do that. I will be
17 more precise.

18 BY MR. GIUFFRA:

19 Q It would be your belief that the First Lady
20 would have visited Mr. Foster, maybe once every two
21 weeks would have been a good estimate?

22 A Yes.

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1 Q Do you recall whether the First Lady would
2 have brought any papers with her to Mr. Foster when
3 she would have visited him?

4 A No, I do not.

5 Q Do you recall, when Ms. Williams visited
6 Mr. Foster, whether she would have brought any papers
7 with her?

8 A No, I do not.

9 Q Is there an interoffice mail system at the
10 White House?

11 A Yes, there is.

12 Q You would have not been the person, though,
13 primarily responsible for routing mail that was
14 directed to the counsel's office; am I correct?

15 A No, I would not.

16 Q That would have been handled by
17 Mr. Castleton?

18 A Correct.

19 Q If I wanted to determine the frequency of
20 mail going to and from Mr. Foster from, say,
21 Ms. Williams, I would have to ask Mr. Castleton that
22 question or perhaps Ms. Gorham?

1 A Yes.

2 Q Do you know if Mr. Foster would visit the
3 First Lady once a week in her office?

4 A I don't know where Mr. Foster went when he
5 left his office.

6 Q Was it his normal practice to state to
7 someone where he would be going?

8 A Not to me, it wouldn't be.

9 Q It would be to Ms. Gorham primarily?

10 A Yes.

11 Q You mentioned previously there was an alarm
12 system in the counsel's suite. Could you just
13 roughly describe for the record how that alarm system
14 worked and what was the normal -- let's just do that
15 first.

16 A The counsel's office was locked from the --
17 the outer office locked the counsel's office. Inside
18 Mr. Foster's office, there was an alarm box. It was
19 secured when the last person left the office. You
20 secured the office and you called the control center
21 and told them that the office was being vacated.

22 When you came in the next morning, you

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1 accessed the box and you called the control center
2 and told them that there was someone now in the
3 counsel's office.

4 Q What would happen if you didn't follow
5 those procedures?

6 A Alarms would go off.

7 Q And those alarms would go off in the
8 counsel's office?

9 A No, it is my understanding that there was
10 some kind of ultraviolet or whatever you call those
11 kind of things that the alarms were in the ceiling,
12 and they went off in the control center.

13 Q They could detect movement in the office?

14 A Yes, that's my knowledge of it.

15 Q So if you opened the door of the main suite
16 for the counsel's office, did you have a number of
17 seconds in which you had to go?

18 A I understood it was two minutes by the time
19 you had to secure the office -- I mean access the
20 office and call the control center. If you didn't,
21 the control center called you to see if an authorized
22 person was in the office.

1 Q Were there specified authorized people who
2 could access the counsel's office?

3 A Yes.

4 Q Who were they? Unless I say otherwise,
5 let's stick with July 20, 1993 as the date of
6 reference.

7 A Foster, Nussbaum, Gorham, Pond. I do not
8 know whether we had put Tripp on the access list by
9 then, and I do not know if Castleton was on the
10 access list. They probably were.

11 Q Would Ms. Williams have been on the access
12 list?

13 A No.

14 Q So it was only people who worked for the
15 counsel?

16 A Yes.

17 Q With regard to the way the office normally
18 ran, were persons other than the four you have just
19 named, yourself, Gorham, Nussbaum, Foster, and we can
20 add Castleton and whoever the intern would be at that
21 time, would people from outside the counsel's office
22 have visited the counsel's suite when someone else

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1 wasn't present? Is that a normal occurrence?

2 A No.

3 Q So that, for example, if a person went into
4 Mr. Foster's office and Mr. Foster was not there or
5 Ms. Gorham was not there, that would be irregular?

6 A Yes.

7 Q Do you recall any instances in which
8 someone other than a person who was a member of the
9 White House counsel's office suite entered and was in
10 an office when someone else was not there, went into
11 an empty office?

12 A No, I don't.

13 Q Who was usually the last person to leave
14 the office each evening?

15 A Mr. Nussbaum and me.

16 Q Keeping those New York hours.

17 A Yes.

18 Q Mr. Nussbaum was probably not the first one
19 to arrive in the morning.

20 A Yes, he was.

21 Q He was?

22 A Yes.

1 Q He was the first person to arrive in the
2 morning and the last person to leave?

3 A He had a staff meeting every morning at
4 7:45. So sometimes, he came directly to our office,
5 but lots of times, he went straight to the staff
6 meeting.

7 Q This was a meeting he would have had with
8 Mr. McLarty at that time?

9 A It was a senior staff meeting with many --
10 with the senior assistants to the President.

11 Q That was a 7:45 a.m. regularly scheduled
12 meeting?

13 A Yes.

14 Q Did Mr. Foster attend that meeting?

15 A No, I don't think so. I really don't
16 know.

17 Q Okay. So he might come sometimes to the
18 office before the meeting and sometimes come after
19 the meeting?

20 A Yes.

21 Q How long would that meeting run?

22 A Usually an hour.

1 Q What was Mr. Foster's normal time for
2 arriving at the office?

3 A I don't know.

4 Q What was Mr. Nussbaum's normal time for
5 leaving the office?

6 A 8:00 p.m.

7 Q Do you recall what Mr. Foster's normal time
8 for leaving the office was?

9 A He was usually there until 7:00, 7:00 p.m.,
10 around that time.

11 Q And your normal hours were?

12 A I came in later, probably 9:30, and left
13 when Bernie left every day.

14 Q You would not leave the office until
15 Mr. Nussbaum had left?

16 A That's correct.

17 Q And Ms. Gorham, what were her normal hours?

18 A She came in earlier, probably at 8:00, and
19 left by 5:30.

20 Q Mr. Foster's time of arrival was usually?

21 A I don't know.

22 Q And Mr. Castleton?

1 A I don't know, 8:30, 9:00, 9:30. We tried
2 to break them up in shifts.

3 Q Do you know, did the counsel's office have
4 a voicemail system?

5 A No, we did not.

6 Q Were you able to log into Mr. Foster's
7 computer?

8 A No.

9 Q So this was just a stand-alone computer?

10 A In his office?

11 Q Yes. There is not a network system in the
12 counsel's office?

13 A No, not that I'm aware.

14 Q Could you send E-mails throughout the
15 counsel's office?

16 A No.

17 Q There was not an E-mail system?

18 A No.

19 Q Did Ms. Gorham maintain computer disks of
20 Mr. Foster's typing that she was doing for him?

21 A I don't know.

22 Q Did you ever see computer disks sitting on

1 her desk, for example, in a case?

2 A Not that I recall.

3 Q Did Mr. Foster do typing on his own from
4 what you could tell?

5 A I don't know.

6 Q Do you know where Mr. Foster would have
7 kept his computer disks?

8 A No, I do not.

9 Q Did Mr. Castleton work closely with
10 Mr. Foster?

11 A No. I think -- no.

12 Q He primarily worked with Mr. Nussbaum?

13 A No. He primarily did the mail.

14 Q And that was it?

15 A Yes.

16 Q So he would have reported to you?

17 A No. Actually, he did the mail for the
18 counsel's office, and his job was just to distribute
19 the mail, keep a log of it, follow up on it.

20 Q So that there would be a log of all
21 incoming mail, who the person was who sent the mail
22 and who it was addressed to?

- 1 A Yes.
- 2 Q The addressee?
- 3 A Yes, unless it was personal.
- 4 Q Ms. MacDonald, what were her
- 5 responsibilities?
- 6 A She helped with telephones and Xeroxing,
- 7 odd jobs.
- 8 Q Did Mr. Foster maintain a burn bag in his
- 9 office?
- 10 A I don't know.
- 11 Q Did Mr. Nussbaum maintain a burn bag in his
- 12 office?
- 13 A Yes.
- 14 Q It was normal practice in the counsel's
- 15 office for people to maintain burn bags?
- 16 A Well, we had a burn bag in the outer office
- 17 and I think that Mr. Nussbaum had a burn bag in his
- 18 office.
- 19 Q Do you know what the practice was for the
- 20 cleaning of the office?
- 21 A They cleaned in the evening, usually after
- 22 everyone was gone. But there was a guard that came

- 1 in, collected the burn bags around 4:00 or 5:00 in
- 2 the day. Now, whether anybody came at night to
- 3 collect burn bags, I have no knowledge of that.
- 4 Q This would be a regularly scheduled burn
- 5 bag pickup at 4:00?
- 6 A Yes. Well, I don't know whether it was
- 7 4:00 specifically, but there was an afternoon burn
- 8 bag pickup.
- 9 Q Have you ever heard the name Paula Casey?
- 10 A No.
- 11 MR. KRAVITZ: I just want to know what
- 12 relevance that has to the this first set of
- 13 hearings.
- 14 MR. DYSON: I would ask the same thing.
- 15 MR. GIUFFRA: I'm trying to determine who
- 16 called Mr. Foster's office, who was a regular caller
- 17 to Mr. Foster's office and Mr. Nussbaum's office.
- 18 MR. DYSON: What does that have to do with
- 19 the removal or handling of documents following his
- 20 death?
- 21 MR. GIUFFRA: Because if someone called
- 22 Mr. Foster's office -- again, I don't want to coach

1 the witness here.

2 MR. DYSON: She said she doesn't know the
3 name.

4 MR. GIUFFRA: So then we don't have a
5 problem. The relevance, though, would be people who
6 may have called the office might be people who would
7 have had an interest in matters he was working on and
8 therefore might have had an interest in the
9 documents.

10 MR. DYSON: Let me ask a question out of
11 personal interest. How long do you think it is going
12 to be before we get to July 20th?

13 MR. GIUFFRA: Very quickly.

14 MR. DYSON: When you do, will you break
15 then and let me call my office? It will take me five
16 minutes.

17 MR. GIUFFRA: Sure. No problem.

18 BY MR. GIUFFRA:

19 Q So the name Paula Casey means nothing to
20 you?

21 A Nothing.

22 Q Does the name David Hale mean anything to

1 you?

2 A No.

3 Q James McDougal?

4 A No.

5 Q Did he ever call the office?

6 A Never heard the name.

7 Q James Lyons?

8 A Yes.

9 Q Was he a frequent caller?

10 A Well, you mean did I pick up the telephone
11 and frequently hear James Lyons on the phone? I
12 sometimes picked up the telephone and heard him.

13 Q Took messages for Mr. Lyons?

14 A Yes.

15 Q Would he have called, say, once a week?
16 Would that have been an average?

17 A I don't recall how often he called. I do
18 recall the name.

19 MR. DYSON: I don't think he established
20 who he called.

21 BY MR. GIUFFRA:

22 Q Do you recall who Mr. Lyons would have

1 called?

2 A Mr. Foster.

3 Q Did Mr. Hubbell call on a fairly regular
4 basis?

5 A Yes, he called our office fairly
6 regularly.

7 Q Did he call Mr. Nussbaum on a regular
8 basis?

9 A Yes.

10 Q And he also called Mr. Foster?

11 A Yes.

12 Q And that would be, say, once a day?

13 A Yes.

14 Q For both Mr. Nussbaum and Mr. Foster? This
15 is all an approximation.

16 A I probably talked to him once a day
17 myself. I don't remember who he called to talk to
18 each time.

19 Q Was Mr. Hubbell a regular visitor to the
20 counsel's suite?

21 MR. DYSON: There we are with "regular."

22 THE WITNESS: What do you mean?

1 BY MR. GIUFFRA:

2 Q Once a week.

3 A Once a week.

4 Q As of July 20, 1993, had you ever heard of
5 the Whitewater Development Corporation?

6 A Never.

7 Q Never heard anyone discussing Whitewater
8 Development Corporation in the counsel's office?

9 A Never.

10 Q Never heard Mr. Nussbaum discuss it?

11 A Never.

12 Q Never heard Mr. Foster discuss Whitewater
13 Development Corporation?

14 A I never heard of Whitewater Development
15 Corporation, period.

16 Q Were you aware that Mr. Foster was involved
17 in matters relating to the President and First Lady's
18 finances?

19 MR. KRAVITZ: At what time period was she
20 aware?

21 BY MR. GIUFFRA:

22 Q As of January 20, 1993.

1 MR. DYSON: January 20?

2 MR. GIUFFRA: I'm sorry.

3 BY MR. GIUFFRA:

4 Q July 20, 1993.

5 A I don't know that I was aware of that. I
6 was not aware of what Mr. Foster did. I don't know
7 what matters he worked on.

8 Q Did you ever hear any discussions in the
9 outer office or from Mr. Foster or from Ms. Williams
10 where there was any discussion of the President or
11 First Lady's financial matters?

12 A No.

13 Q Do you know whether Mr. Nussbaum had any
14 role with regard to the President and First Lady's
15 financial matters?

16 A No.

17 Q Preparation of financial disclosure forms,
18 for example?

19 A They were handled by Beth Nolan, I
20 believe.

21 Q And she is someone who was an associate
22 counsel to the President?

66

1 A Yes.

2 Q And did she handle, as far as you knew,
3 matters relating to the President and First Lady's
4 finances?

5 A The only thing I'm aware of is that she
6 would call and ask when there would be time to have
7 the financial disclosure documents signed off on.
8 That's all I know.

9 Q Do you know who would sign off on those
10 financial disclosure documents?

11 A No, I do not. It was either Mr. Nussbaum
12 or Mr. Foster or both.

13 Q Did you ever hear any discussion of the
14 President and First Lady's tax returns?

15 A No, I did not.

16 Q Do you know whether Mr. Foster had any role
17 with regard to the preparation of the President and
18 First Lady's tax returns?

19 A No, I personally do not have that
20 knowledge.

21 Q Do you know whether Mr. Nussbaum maintained
22 any files on Whitewater Development Corporation as of

1 July 20, 1993?

2 A I never saw any.

3 Q Do you have any recollection of ever faxing
4 any documents or any news stories related to
5 Whitewater Development Corporation to anyone?

6 A No. I think I just told you about five
7 questions ago I never heard of Whitewater Development
8 Corporation, period.

9 Q Okay, okay. I just want to be sure.

10 Do you know if there was an index
11 maintained -- did Mr. Nussbaum maintain an index of
12 his files?

13 A No.

14 Q Was there an index maintained of the files
15 kept in the main office?

16 A I believe there was an index kept right
17 before the beginning of the alphabet. I think there
18 was a file list, but I'm not sure how often that was
19 updated or how it was maintained.

20 Q Do you know whether Ms. Gorham maintained
21 an index?

22 A No, I do not.

1 MR. GIUFFRA: We will stop right here.

2 (Recess.)

3 BY MR. GIUFFRA:

4 Q Ms. Pond, if I could direct your attention
5 to July 20, 1993, do you recall any phone calls to
6 Mr. Foster on that date?

7 A On July 20th? Is that the day Vince died
8 or the day after?

9 Q The day he died.

10 A So that would have been Monday?

11 MR. DYSON: Tuesday.

12 MR. KRAVITZ: It is a Tuesday.

13 THE WITNESS: Do I recall any phone
14 conversations?

15 BY MR. GIUFFRA:

16 Q Or taking any messages for him.

17 A No, I do not.

18 Q Do you recall paging Mr. Foster on July 20?

19 A Yes, I did.

20 Q Did you page Mr. Foster at the request of
21 Mr. Nussbaum?

22 A No, I did not.

- 1 Q At whose request?
- 2 A At the request of Maggie Williams.
- 3 Q Do you recall approximately what time that
- 4 was?
- 5 A It was approximately 6:20 in the evening.
- 6 Q Did Ms. Williams say why she was trying to
- 7 contact Mr. Foster?
- 8 A No, she did not.
- 9 Q Was it a common occurrence for Ms. Williams
- 10 to ask you to page Mr. Foster?
- 11 A She did not ask me to page Mr. Foster. I
- 12 asked her if she wanted me to page Mr. Foster.
- 13 Q And she said?
- 14 A Yes.
- 15 Q And did she discuss with you the subject
- 16 matter --
- 17 A No.
- 18 Q -- that she wished to speak to him about?
- 19 How did the page procedures work for people
- 20 in the counsel's office?
- 21 A In that instance, I went through the
- 22 operator and asked her to page Mr. Foster. You could

- 1 also dial a number. I can't remember the number. It
- 2 was a five-digit number. Then they would say enter
- 3 the number of the pager, and I never remembered
- 4 anybody's pager number so I usually went through the
- 5 operator.
- 6 Q Do you know whether the White House
- 7 operator kept track of who was being paged?
- 8 A I have no idea.
- 9 Q When did you learn of Mr. Foster's death?
- 10 A I guess it would have been the morning of
- 11 July 21st.
- 12 Q Do you remember the time?
- 13 A It was approximately 5:00 in the morning.
- 14 Q Do you remember who contacted you?
- 15 A Well, I checked my message answering
- 16 machine, and there was a message on the machine from
- 17 the White House operator saying that Mr. Nussbaum had
- 18 tried to reach me at 1:00 in the morning, something
- 19 like that, and then that was followed by a message
- 20 from Linda Tripp. And I called the operator.
- 21 Q What was her message?
- 22 A To call.

1 Q That would have been a message that was
2 left in the evening?

3 A It was about 1:00, 1:20, 1 something. I
4 called the White House operator.

5 Q At 5:00 in the morning?

6 A Yes, about then.

7 Q Who did you ask to speak to?

8 A I just announced my name, and the operator
9 said we were trying to reach you last night,
10 Mr. Nussbaum was trying to reach you last night about
11 Mr. Foster's accident.

12 Q Do you recall anything else about the
13 conversation?

14 A I asked her to patch me through to Linda
15 Tripp.

16 Q And then what happened?

17 A She patched me through to Linda Tripp.

18 Q And what did Ms. Tripp say to you?

19 A That Vince had committed suicide.

20 Q And this was about 5:00 in the morning, the
21 phone call?

22 A Yes.

1 Q Did she say anything else?

2 A She said she had been up all night on the
3 telephone.

4 Q Did she say who she had been speaking to?

5 A Deb Coyle. I think Deb Coyle. She spoke
6 to -- Deb Coyle called her, she said.

7 Q Who is Deb Coyle?

8 A Deb Coyle worked for Bruce Lindsey. She
9 was from Little Rock. Deb Coyle and Deb Gorham and
10 Linda talked.

11 Q During the evening?

12 A During the morning.

13 Q Do you know whether she spoke -- did she
14 tell you she had spoken to Mr. Nussbaum?

15 A I don't believe Mr. Nussbaum called her,
16 no.

17 Q Do you recall anything more about that
18 conversation with Ms. Tripp?

19 A I told her I would go into the office --
20 that she should sleep in and I would go into the
21 office. That was as much as I can recall.

22 Q Did you call Mr. Nussbaum?

- 1 A No, not at that time.
- 2 Q So you got ready, you went to work. Did
- 3 you make any phone calls between the time you left
- 4 your home and the time you arrived at the White
- 5 House?
- 6 A No. I made two phone calls before I left
- 7 my home, after I talked to the operator and Linda
- 8 Tripp.
- 9 Q Who did you call?
- 10 A I called Tom Castleton to let him know. I
- 11 didn't want him to hear on the TV.
- 12 Q Did he know about what had happened?
- 13 A No.
- 14 Q Were you the first person to tell him?
- 15 A I told him.
- 16 Q And then you called --
- 17 A John Carey, who was a counsel who worked in
- 18 Presidential personnel, who I knew from my prior law
- 19 firm and who also worked with us on matters. I
- 20 didn't want him to hear it on TV.
- 21 Q And you did not speak to Mr. Nussbaum until
- 22 you arrived at the office that morning?

- 1 A Correct.
- 2 Q Now, when did you leave the White House on
- 3 July 20th?
- 4 A That night?
- 5 Q This would be the day Mr. Foster died.
- 6 A About 7:00.
- 7 Q Do you recall when Mr. Nussbaum left?
- 8 A I probably -- I usually gave him a ride
- 9 home. So we probably left together.
- 10 Q He lived in the Watergate?
- 11 A Uh-huh.
- 12 Q You arrived at the White House at
- 13 approximately what time?
- 14 A 7:00.
- 15 Q And you had a White House pass?
- 16 A Yes.
- 17 Q Did you drive your -- did you have parking
- 18 privileges on the street between the White House and
- 19 the Old Executive Office Building?
- 20 A No.
- 21 Q You parked --
- 22 A In State Place.

1 Q And you walked in the gate and showed your
2 ID card?

3 A Yes.

4 Q Do you know whether that is registered on a
5 log of some sort?

6 A I don't know how that works.

7 Q You obviously had a White House pass?

8 A Yes.

9 Q You arrived in. Do you recall the name of
10 the guard?

11 A No, I do not.

12 Q Did you walk in through the entrance
13 between the White House and the Old Executive Office
14 Building?

15 A No. The southwest gate.

16 Q Did you walk in through the main front
17 entrance where the Marine guard is usually stationed?

18 A No. I walked in the west basement.

19 Q That is where the canopy and the mess is to
20 the right?

21 A Correct.

22 Q Did you speak with the guard when you

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1 walked into the White House?

2 A I have no recollection. I don't think I
3 did.

4 Q Did you speak to anyone?

5 A No.

6 Q You took the elevator upstairs?

7 A Yes.

8 Q Second floor. Was the door to the
9 counsel's office opened or closed at that point?

10 A It was locked.

11 Q Was there any other activity on the second
12 floor at that point?

13 A No.

14 Q Did you recall seeing anyone?

15 A No.

16 Q So you were the only person, as far as you
17 know, who was there.

18 Was it common for there to be a lot of
19 activity at 7:00 in the morning?

20 A I wouldn't know. I never got there at 7:00
21 in the morning.

22 Q You never got there early.

1 MR. KRAVITZ: Did you testify that you got
2 there at 7:00 on the 21st? I might have missed it.
3 MR. GIUFFRA: Yes.
4 MR. KRAVITZ: Sorry. I wanted to follow
5 along here.
6 BY MR. GIUFFRA:
7 Q What happened next?
8 A I accessed.
9 Q Walked into the office?
10 A Yes.
11 Q When you walked into the office, the lights
12 were off?
13 A I don't recall.
14 Q Do you recall anything out of the ordinary
15 in the main suite where you maintained your office or
16 your desk?
17 A No.
18 Q You went into Mr. Foster's office and you
19 accessed the alarm, you turned the alarm off?
20 A Yes.
21 Q Did you immediately go and call the command
22 center?

1 A I suppose I did. I don't recall.
2 Q Do you recall whether you used the phone in
3 Mr. Foster's --
4 A No, I don't. I don't recall what I did.
5 Q Then what did you do next?
6 A I remember going into Vince's office, but I
7 don't remember whether I ever left Vince's office and
8 came back again. But I remember looking around his
9 office, and there were some papers scattered around
10 on his little desk.
11 Q Would that be on his main personal desk?
12 A No. On his little desk, his working desk,
13 his coffee table.
14 Q Was the coffee table behind his desk?
15 A No. He had a sofa, and in front of the
16 sofa was a desk -- I mean a table, you know, a little
17 table.
18 Q A coffee table?
19 A Yes, and he worked there. There were some
20 documents there. I turned the documents over.
21 Q These would be documents on the coffee
22 table in front of the couch, and they would have been

1 scattered?

2 A Yes, I imagine that's what you would call
3 them.

4 Q They were not maintained in an ordinarily
5 way?

6 A I don't remember. I just remember seeing
7 documents there. I remember thinking I better turn
8 those documents over.

9 Q The documents were facing up at this point?

10 A I don't remember.

11 Q Do you remember whether there were file
12 folders on the coffee table?

13 A No, I do not remember. All I can remember
14 is documents, like long documents.

15 Q Like legal size?

16 A Yes, like maybe -- I thought they were news
17 clips. I can't recall what they were.

18 Q Did Mr. Foster normally keep papers on his
19 coffee table?

20 A I do not know. I did not go in his office
21 very often.

22 Q Do you remember what the condition of his

1 desktop was?

2 A No, I don't.

3 Q Do you remember if papers were scattered on
4 his desktop?

5 A No. I remember walking over to his desk,
6 but I don't remember what it looked like.

7 Q Do you recall the condition of the
8 credenza, which would be to the left, looking at the
9 desk?

10 A No, I do not.

11 Q Do you recall whether there were any papers
12 out of order or the condition of the papers on the
13 bookcase to the right?

14 A No, I do not.

15 Q Do you recall whether any drawers were
16 open?

17 A No, I do not.

18 Q So your testimony would be all you can
19 recall is that there were papers on the coffee table
20 that were scattered; is that correct?

21 A That's all I can remember.

22 Q What did you do with regard to those

- 1 papers?
- 2 A I turned them over. I smushed them
3 together in a pile.
- 4 Q Do you remember how many papers there were
5 when you smushed them together? Was it 2 inches
6 high, 1 inch high?
- 7 A I'm trying to think if I can remember. You
8 know, maybe a pile that thick, maybe thicker.
- 9 Q So, say, 3 inches high?
- 10 A I can't remember that.
- 11 Q 2 inches high?
- 12 A I can't remember. I didn't measure them.
- 13 Q It was more than a few documents?
- 14 A There may have been this many documents. I
15 just don't remember.
- 16 MR. DYSON: The record won't reflect "this
17 many documents."
- 18 BY MR. GIUFFRA:
- 19 Q We need to sort of get a handle on how
20 many. If I put all these papers in front of me, was
21 it approximately this high when you were all done
22 smushing it together or was it higher than this?
-

- 1 A I don't recall.
- 2 Q You don't know whether it was an inch, half
3 inch, 2 inches?
- 4 A No, I don't remember.
- 5 Q Do you recall what the subject matters of
6 the papers were?
- 7 A No. I didn't look. I just turned them
8 over.
- 9 Q And then what did you do next?
- 10 A I went over to Vince's desk, and I just
11 sort of looked around and I remember opening a
12 drawer, and then I just said to myself "get out of
13 here, just go."
- 14 Q Why did you think that?
- 15 A I don't know.
- 16 Q Now, Ms. Tripp had told you that she
17 thought it was a suicide?
- 18 A I think she said she thought he committed
19 suicide --
- 20 MR. DYSON: That's not what she said. What
21 her testimony was is Ms. Tripp said Vince committed
22 suicide. It wasn't Ms. Tripp's opinion.

1 BY MR. GIUFFRA:

2 Q So as far as you knew, Vince had committed
3 suicide that morning -- you went to his office and,
4 as far as you knew, he had committed suicide?

5 A As far as I knew, that's what was reported
6 on TV. They were flashing it every five seconds.

7 Q On the way to work you heard --

8 A No. I watched TV before I left.

9 Q You looked at his desk. Did you look to
10 see if there was some sort of a note or something on
11 his desk?

12 A No.

13 Q Do you recall anything on his desk?

14 A No.

15 Q You don't recall the condition of any of
16 the papers on his desk?

17 A I don't recall if there were any papers.
18 There might have been stacks of papers. I just don't
19 recall.

20 Q Do you know how he normally maintained
21 papers?

22 A No, I don't.

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1 Q Whether he maintained stacks or not?

2 A No, I don't.

3 Q Did he have an in box and an out box?

4 A I don't know.

5 Q How long were you in the office for before
6 you left?

7 A 30 seconds, 40 seconds, a minute.

8 Q You left Mr. Foster's office and did you
9 shut the door?

10 A I don't recall.

11 Q What did you do next?

12 A I called Mr. Nussbaum.

13 Q You called him at home?

14 A Yes.

15 Q What did Mr. Nussbaum say?

16 A I told him I was in the office, and he said
17 don't let anyone in Vince's office.

18 Q Why did he say that? Did he say anything
19 other than that?

20 A No. He said don't let anybody in Vince's
21 office.

22 Q Did he say why he didn't want you to go in

- 1 his office?
- 2 A No.
- 3 Q Did he say anything about the Park Police
- 4 requesting the office be sealed?
- 5 A No.
- 6 Q How long was that conversation with
- 7 Mr. Nussbaum?
- 8 A Very short.
- 9 Q Did he say anything else?
- 10 A No.
- 11 Q What did you do next?
- 12 A I called a couple of friends of mine.
- 13 Q People who worked in the White House?
- 14 A No. People who were close friends of
- 15 mine.
- 16 Q Did you shut Mr. Foster's door?
- 17 A Yes.
- 18 Q You shut Mr. Foster's door and made a few
- 19 phone calls. Do you recall then about what you did?
- 20 A I'm sorry?
- 21 Q Do you recall what you did next after that?
- 22 A I remember being on the telephone when the

- 1 next person arrived, which was Steve Neuwirth.
- 2 Q Steve Neuwirth, for the record, was an
- 3 associate counsel to the President?
- 4 A Yes.
- 5 Q He had been a lawyer at Wachtel, Lipton?
- 6 A Yes.
- 7 Q Which was where Mr. Nussbaum, the law firm
- 8 he had been a partner of?
- 9 A Yes.
- 10 Q Did Mr. Neuwirth have a close working
- 11 relationship with Mr. Nussbaum?
- 12 A Yes.
- 13 Q Did he have a close working relationship
- 14 with Mr. Foster?
- 15 A Yes.
- 16 Q He worked closely with both of them?
- 17 A Yes.
- 18 Q Say in comparison to some of the other
- 19 associate counsel to the President, was Mr. Neuwirth
- 20 someone who had more regular access or less regular
- 21 access than the other associate counsel?
- 22 A I would say more.

1 Q Do you know what his responsibilities were?

2 A No, I do not.

3 MR. DYSON: I'm sorry. I lost track

4 there. More regular or less regular access with

5 whom? Either Mr. Nussbaum or --

6 MR. GIUFFRA: I will ask it both ways.

7 BY MR. GIUFFRA:

8 Q Mr. Nussbaum, more access than the other

9 counsels did with Mr. Nussbaum?

10 A He had a lot of contact with him, but there

11 were other counsels. I can recall one person who had

12 as much access as Steve did.

13 Q Who was that?

14 A Ron Klane. That was on the Supreme Court

15 nominee.

16 Q What about with regard to Mr. Foster? Were

17 there other counsel who worked as closely with

18 Mr. Foster as Mr. Neuwirth did?

19 A I don't recall. I think he worked closest

20 with Vince.

21 Q What did Mr. Neuwirth say when he arrived

22 in the office?

1 A I don't recall.

2 Q What did Mr. Neuwirth do when he arrived in

3 the office?

4 A He went into Bernie's office and waited.

5 Q He did not go into Mr. Foster's office?

6 A No, he did not, not that I recall or saw.

7 Q Did Mr. Neuwirth say anything to you about

8 sealing Mr. Foster's office?

9 A Not that I recall.

10 Q Did Mr. Burton or Mr. Watkins call that

11 morning and say anything about sealing the office?

12 A No.

13 Q Were there any notes that were left there

14 to please seal this office?

15 A No, there were not.

16 Q I may have already asked this question. Do

17 you recall whether Mr. Foster's door was opened or

18 closed when you walked in?

19 A I do not recall.

20 Q There was not a lock on Mr. Foster's door

21 at that point?

22 A No, there was not.

1 Q There was not a lock on Mr. Nussbaum's
2 office?

3 A There is a lock on Mr. Nussbaum's office,
4 but it was not ever locked.

5 Q Mr. Neuwirth went into Mr. Nussbaum's
6 office, and did he keep the door open or shut at that
7 point?

8 A I do not recall.

9 Q He just sat and waited?

10 A He may have milled around in my office. We
11 may have talked. He may have had coffee. He may
12 have gotten coffee. I just don't remember.

13 Q Did he say anything to you that you recall?

14 A Not that I recall.

15 Q Do you recall anything else that may have
16 happened next that morning, the 21st?

17 A Just the other people as they came in the
18 office.

19 Q Do you recall who it would have been?
20 Mr. Nussbaum finally arrived?

21 A Well, before he arrived, Deborah Gorham
22 arrived and Linda Tripp arrived, and --

1 Q Mr. Castleton?

2 A I don't remember the sequence of when they
3 arrived or who they arrived before or after, but they
4 were there pretty early.

5 Q Did anyone go into Mr. Foster's office?

6 A No.

7 Q Did you instruct anyone that they could not
8 go into Mr. Foster's office?

9 A Yes.

10 Q And then finally Mr. Nussbaum arrived?

11 A Yes.

12 Q Until Mr. Nussbaum arrived, did anyone go
13 into Mr. Foster's office?

14 A Not to my knowledge.

15 Q Did Ms. Williams come by the counsel's
16 office?

17 A No.

18 Q Did Ms. Thomasson come by?

19 A No.

20 Q Did anyone else whose name you haven't
21 mentioned come by the counsel's office?

22 A No.

- 1 Q Eventually Mr. Nussbaum arrived?
2 A Yes.
3 Q What time was that?
4 A I don't know.
5 Q Say, 9:00?
6 A I don't know.
7 Q 10:00?
8 A I don't know.
9 Q And what happened next?
10 A He went into his office, and there may have
11 been two or three counsel in there at that time.
12 Q Do you know whether -- did Mr. Nussbaum
13 know how to operate the safe in his office?
14 A No.
15 Q Really the only person who knew how to
16 operate the safe was Ms. Gorham?
17 A Correct.
18 Q Do you know whether Ms. Gorham was asked to
19 go into Mr. Nussbaum's office to open the safe that
20 morning?
21 A Not to my knowledge.
22 Q Do you know whether Ms. Gorham opened the

- 1 safe that morning?
2 A Not to my knowledge.
3 Q Do you know whether the safe was opened
4 that morning by anyone?
5 A Not to my knowledge.
6 Q Was the door shut between Mr. Nussbaum's
7 office and the main suite of the counsel's office
8 during that morning?
9 A Yes. We closed it.
10 Q Do you remember the other counsel who were
11 in Mr. Nussbaum's office?
12 A Steve, Beth, Cheryl.
13 Q What is Cheryl's last name?
14 A Mills.
15 Q Cheryl Mills and Beth Nolan?
16 A Beth Nolan, Steve and Cliff maybe. I don't
17 remember when Cliff came in.
18 Q That would be Clifford Sloan?
19 A Yes.
20 Q Was there anyone else in the office?
21 A That's all I remember.
22 Q Then at some point did -- let me ask you,

1 just to go back. Was Mr. Foster easy to work with?

2 A Yes.

3 Q Was Mr. Nussbaum easy to work with?

4 A Yes.

5 Q Was Mr. Neuwirth easy to work with?

6 A I didn't work with Steve.

7 Q Did Mr. Neuwirth have any problems with the
8 other support staff?

9 A Such as what?

10 Q Did he -- was he viewed as someone who was
11 difficult to work with?

12 A I don't know if you would use the word
13 "difficult." But I'm not sure what word you would
14 use.

15 Q How would you describe his relations with
16 the other support staff?

17 A The other support staff where?

18 Q In the counsel's office.

19 A In what counsel's office?

20 Q The entire White House counsel's office.

21 A I'm unaware of what his relationship was
22 with anyone in the Old Executive Office Building. In

1 our office suite, I'm not sure of the appropriate
2 word to use, but it wouldn't be "difficult." It
3 would be "annoying."

4 Q Why was he annoying?

5 A I don't know. He just was.

6 MR. DYSON: You have some relevance on this
7 for me?

8 MR. GIUFFRA: Yes, I do have relevance.

9 MR. DYSON: She didn't work with him.

10 BY MR. GIUFFRA:

11 Q Do you know why he was annoying? You used
12 the word "annoying." You must have had a basis for
13 the use of the word "annoying."

14 A Just please tell me whether you are talking
15 on the morning --

16 Q No. Just generally.

17 A I thought he was annoying.

18 Q Did he ever raise his voice with some of
19 the support staff in your office?

20 A No, not that I heard.

21 Q Did Mr. Nussbaum say anything about looking
22 in files in Mr. Foster's office on the night of

- 1 Mr. Foster's death?
2 A No.
3 Q Did Mr. Neuwirth say anything about looking
4 in the files?
5 A No.
6 Q Did anyone say anything about it?
7 A No.
8 Q As far as you know, no one looked at any
9 files in Mr. Foster's office on the night of his
10 death?
11 A That's correct.
12 Q And you would also testify that as far as
13 you know, no one removed any files from Mr. Foster's
14 office on the night of his death?
15 A That's correct.
16 Q And as far as you know, Ms. Thomasson was
17 not in Mr. Foster's office on the night of his death?
18 A That is correct.
19 Q No one has subsequently told you that she
20 was in Mr. Foster's office?
21 A I have read it in the newspaper, if you
22 want to believe that.
-

- 1 Q Other than reading it in the newspaper?
2 A No.
3 Q Mr. Nussbaum has never said that she was in
4 his office on the night of his death?
5 A We have never discussed it.
6 Q Have you ever discussed with Mr. Nussbaum
7 whether anyone was in Mr. Foster's office on the
8 night of his death?
9 A No, I have not.
10 Q Do you know if Ms. Williams was in
11 Mr. Foster's office?
12 A I don't know.
13 Q I believe you previously told, I believe it
14 was a Park Police detective, that you realized you
15 shouldn't have touched the papers in Mr. Foster's
16 office as soon as you did it, but you probably did it
17 out of habit. Is that something you previously have
18 said?
19 A I don't recall how I said it. But what I
20 probably meant was I straightened -- I would have
21 straightened papers in his office or Bernie's
22 office.

- 1 Q Was this something you regularly did?
2 MR. DYSON: Where?
3 BY MR. GIUFFRA:
4 Q Did you regularly straighten documents in
5 Mr. Foster's office?
6 A No, I did not.
7 Q Was this the first time you ever
8 straightened papers in Mr. Foster's office?
9 A I believe so.
10 Q Did you regularly straighten documents in
11 Mr. Nussbaum's office?
12 A Yes.
13 MR. GIUFFRA: One second.
14 (Pause.)
15 BY MR. GIUFFRA:
16 Q Your testimony would be that you regularly
17 straightened the documents in Mr. Nussbaum's office?
18 A Yes.
19 MR. DYSON: Let me interrupt for a second.
20 It is my understanding that I can ask questions also
21 to amplify, clarify, so on and so forth. True?
22 MR. KRAVITZ: At the end.
-

- 1 MR. DYSON: That was my question, when.
2 MR. GIUFFRA: At the end of the examination
3 you are free to do so.
4 I would also just state for the record that
5 we have told counsel for other witnesses that these
6 proceedings are confidential and should not be
7 discussed with persons outside. You can speak with
8 your client about it, but not with reporters, the
9 White House or anyone else.
10 MR. DYSON: You can rest assured I will not
11 be speaking to any media representative.
12 MR. GIUFFRA: How about lawyers?
13 MR. DYSON: Is that a rule and regulation?
14 MR. GIUFFRA: That's what we are asking
15 people to do.
16 MR. DYSON: That's up to me; is that true?
17 MR. GIUFFRA: I think we are treating these
18 things as confidential.
19 MR. KRAVITZ: The resolution does not
20 address the subject of whether lawyers for witnesses
21 can communicate with each other. The deposition
22 transcript itself will be treated as committee

1 confidential under the committee's own security
2 protocols.

3 MR. DYSON: Okay.

4 MR. KRAVITZ: My understanding is that the
5 resolution does not direct you as to who to
6 communicate with and who not to communicate with. We
7 have been making a practice of asking witnesses not
8 to discuss their testimony with other witnesses who
9 may be appearing before the committee, because it is
10 obviously in the committee's interest to have
11 witnesses testify to their own recollections and not
12 to have their recollections refreshed by speaking
13 with other witnesses.

14 MR. DYSON: Right. We won't do that. We
15 will not speak with other witnesses, Counsel.

16 BY MR. GIUFFRA:

17 Q You testified that there was a meeting
18 going on in Mr. Nussbaum's office. Do you recall any
19 phone calls that were coming into the office that
20 morning.

21 MR. DYSON: Excuse me. She didn't testify
22 there was a meeting going on in Mr. Nussbaum's

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1 office. She testified there was a gathering, there
2 were people in there.

3 BY MR. GIUFFRA:

4 Q There was a gathering of three or four
5 people in Mr. Nussbaum's office on the morning of the
6 21st; correct?

7 A Correct.

8 Q Do you recall in phone calls that came to
9 the counsel's office that morning?

10 A I do not recall any phone conversations.

11 Q How long was this gathering?

12 A Well, people were coming and going. It was
13 going on for a couple hours.

14 Q Do you know what the subject matter of the
15 gathering was?

16 A No, I do not.

17 MR. DYSON: We ought to understand -- I
18 don't know really how to express it. This was not a
19 normal day at the office.

20 MR. GIUFFRA: Ms. Pond can testify to
21 that. We will ask her that question.

22 BY MR. GIUFFRA:

1 Q Was this a normal day at the office?

2 A Of course not.

3 MR. DYSON: Do you want to ask her why or
4 do you want to leave that to me?

5 BY MR. GIUFFRA:

6 Q Why was it not a normal day at the office?

7 A Because the deputy counsel to the President
8 was dead.

9 Q I'm just trying to elicit from you some of
10 the events that happened that morning. That is
11 something that the Senate has asked us to look into.
12 Do you recall any of the conversations in the office
13 that morning?

14 A No.

15 Q Do you recall any discussion about files in
16 Mr. Foster's office that morning?

17 A No.

18 Q Do you recall any discussion of the need to
19 seal the office other than the conversation with
20 Mr. Nussbaum?

21 A No. I recall calling the military office
22 and trying to get someone over there.

1 Q Do you know who asked you to get someone
2 over there?

3 A I assume -- I do not recall who it was, but
4 I would have to assume that it was Bernie Nussbaum.

5 Q Do you recall the time at which he asked
6 you to do that?

7 A No, I do not.

8 Q And did there come a time -- strike that.

9 Do you recall whether Mr. Hubbell came to
10 visit the office that morning?

11 A No, he was not at our office that morning
12 that I recall.

13 Q Do you recall whether Ms. Williams came to
14 visit that morning?

15 A No, she did not.

16 Q Do you recall whether Ms. Thomasson came to
17 visit?

18 A No.

19 Q Do you recall whether Mr. Livingstone
20 visited your office that morning?

21 A No.

22 Q It would be your testimony that from the

1 time you arrived at 7:00 until let's say noon, you
2 did not see Mr. Livingstone?

3 A No, I did not.

4 Q Do you know Mr. Livingstone?

5 A Yes, I do.

6 Q What was his position?

7 A He was director of White House security
8 operations.

9 Q Did you see him on the 21st?

10 A I do not know whether I saw him on the 21st
11 or not.

12 Q Do you recall Mr. Nussbaum ever entering
13 Mr. Foster's office on the 21st?

14 A Yes, he did.

15 Q When did he enter the office?

16 A When the President came upstairs,
17 Mr. Nussbaum came out of his office and asked the
18 agent to come in with him while he removed a
19 childhood picture of Vince, Mack and some other
20 person they went to kindergarten with. The agent
21 went with Mr. Nussbaum into the office. Mr. Nussbaum
22 brought the picture back and showed it to the

1 President.

2 Q And did he return the picture to the
3 office?

4 A I do not know. I don't believe so.

5 Q Was the guard in front of the office
6 maintaining a log of who entered the office?

7 A I don't know.

8 Q Do you recall whether anyone other than
9 Mr. Nussbaum entered the office that morning?

10 A No.

11 Q No one entered the office that morning?

12 A No.

13 Q Do you recall Mr. Sloan during the entire
14 day of the 21st entering Mr. --

15 A I do not recall.

16 Q Did you ever recall Mr. Sloan returning a
17 trash bag to Mr. Foster's office after Mr. Foster's
18 death?

19 A No, I don't recall that.

20 Q Would you have been sitting at your normal
21 position throughout the day on the 21st?

22 A No.

1 Q What were you doing?

2 A Well, I would have left my desk. I may
3 have left to go get coffee downstairs. I would have
4 left my desk to go to the bathroom. At noon or
5 thereabouts, the President and Mack called a meeting
6 in the Old Executive Office Building for staff. We
7 attended that meeting.

8 Q When you left the office to attend that
9 meeting, the guard remained in position?

10 A Yes, he did.

11 Q Do you recall anything else about the 21st?

12 A No, I don't.

13 Q Do you recall a lock being put on
14 Mr. Foster's office?

15 A Yes, a lock was put on Mr. Foster's door.

16 Q Who asked for the lock to be put on
17 Mr. Foster's door?

18 A I have no knowledge. I think it might have
19 been Bernie, but I'm not sure.

20 Q Do you recall when the lock was put on the
21 door?

22 A I left that night around 9:30, and the

1 locks man had started putting it on around 7:00 and
2 he was still working on it.

3 Q 7:00 in the evening?

4 A Yes. I mean, he started putting -- I don't
5 remember times. I remember that I didn't leave until
6 about 9:30 and there were a couple of locks men in
7 the suite putting on a lock.

8 Q You were in the office from 7:00 in the
9 morning until 9:30 in the evening?

10 A That's correct.

11 Q During the time you were in the office,
12 while you were in that outside office, did you see
13 anyone other than Mr. Nussbaum on the one occasion
14 enter Mr. Foster's office?

15 A The locks men went in, the Secret Service
16 guy went in. To my knowledge, that's all I can
17 recall seeing go in.

18 Q Do you recall any discussions that
19 Mr. Nussbaum may have had with regard to the Park
20 Police investigation into Mr. Foster's death?

21 A No, I do not.

22 MR. DYSON: With whom?

1 BY MR. GIUFFRA:

2 Q With anyone.

3 A No, no.

4 Q Do you recall Mr. Nussbaum discussing the
5 Park Police that morning or during that entire day?

6 A Not with me.

7 Q Let's go -- do you recall anything else
8 about that day?

9 A No. It is a blur.

10 Q Did Ms. Williams ever come by the office
11 that day?

12 A I do not recall ever seeing her there.

13 Q Did Ms. Thomasson come by that day?

14 MR. DYSON: You have asked all those
15 questions before.

16 THE WITNESS: I do not recall seeing her
17 there.

18 BY MR. GIUFFRA:

19 Q Do you know whether either Ms. Thomasson or
20 Ms. Williams spoke or called Mr. Nussbaum?

21 A No, I do not know.

22 Q Did you ever see Craig Livingstone at any

1 point after Mr. Foster's death remove a box of
2 documents from his office?

3 A No, I did not.

4 Q Did you see -- strike that.

5 Do you recall -- did there ever come a time
6 in which there was a meeting held with Mr. Neuwirth
7 and maybe Mr. Sloan to discuss the fact that the Park
8 Police were going to be conducting interviews of some
9 of the staff in the counsel's office?

10 A A meeting with whom?

11 Q A meeting with Mr. Neuwirth and Mr. Sloan.

12 A Was there a meeting between Mr. Neuwirth
13 and Mr. Sloan?

14 Q And yourself and other people in the
15 counsel's office.

16 A Yes.

17 Q Do you recall the time of that meeting?

18 A It was late in the evening. It was after,
19 maybe, 6:00.

20 Q This would have been the day after
21 Mr. Foster died?

22 A I think it was the day after.

- 1 Q Do you recall where the meeting was held?
 2 A In Mr. Nussbaum's office.
 3 Q Do you recall anything about the meeting?
 4 A I don't recall either Mr. Neuwirth or Cliff
 5 speaking to us, but I remember Bernie telling us that
 6 the Park Police would want to interview us and that
 7 we were to give an accurate and truthful recollection
 8 of whatever we could remember.
 9 Q Do you recall Mr. Neuwirth saying anything
 10 about the fact that he would be acting as your
 11 attorney during the Park Police interviews?
 12 A Not my attorney. He was not my attorney.
 13 Q Do you recall him saying anything about
 14 acting as anyone's attorney?
 15 A No, I don't.
 16 Q You don't recall anything Mr. Neuwirth
 17 said?
 18 A No, I don't.
 19 Q Let me ask a question for the record. When
 20 you say you don't recall something, does that mean
 21 you just don't recall anything about the subject
 22 matter or do I need to ask a follow-up question,

- 1 well, do you remember something about the subject?
 2 A I think you just said did I recall --
 3 Q So, for example, I asked you did you recall
 4 anything about this particular meeting and your
 5 testimony so far is that you recall Mr. Nussbaum
 6 saying you needed to be truthful in answering the
 7 questions of the Park Police. Was there anything
 8 else, even if you have just a vague recollection, of
 9 that meeting?
 10 A No. That's as much as I can recall, is
 11 that he told us we would be interviewed by
 12 officials. I don't remember if he said Park Police
 13 or who he said. He told us we would be interviewed.
 14 He may have said Park Police.
 15 Q Do you recall any meetings on the 21st with
 16 Mr. Nussbaum and Park Police officers?
 17 A The 21st. I recall a lot of people being
 18 in the hallway outside of our office. I recall
 19 people storming around in our outer office. I do not
 20 know who those people were.
 21 Q They were strangers, though?
 22 A Yes, and they were escorted by somebody

1 from -- people had to be brought up by --

2 Q Security, because they were not White House
3 employees?

4 A Right. But they did not come in and say
5 Betsy, I would like you to meet so-and-so from the
6 Park Police or whatever.

7 Q Did Mr. Nussbaum meet with these people in
8 his office?

9 A I don't recall.

10 Q Do you recall if any of these people --
11 let's just generically describe them as the non-White
12 House persons -- do you recall if any one of them
13 said they needed to look at documents in Mr. Foster's
14 office?

15 A No, I did not hear them say that.

16 Q Did any of them seem angry at all?

17 A I did not see any anger.

18 Q Did anyone raise their voice with
19 Mr. Nussbaum?

20 A I did not hear that.

21 (Pause.)

22 Q I would like to show you a document. This

1 will be marked Park Police 30 and 31. It is an
2 exhibit.

3 (Park Police Exhibits 30 and 31
4 identified.)

5 MR. GIUFFRA: This is a statement of an
6 interview that you had, I believe, with the Park
7 Police. If you could just take a look at it.

8 (Witness examined the document.)

9 MR. DYSON: Just for the sake of the
10 record, how did you identify this? As what?

11 MR. GIUFFRA: Park Police 40 and 41 -- 30
12 and 31. That's the Bates number on the right-hand
13 side.

14 MR. DYSON: You called it 30 and 31 by
15 Bates number, Exhibits 30 and 31?

16 MR. GIUFFRA: Correct.

17 MR. DYSON: This purports to be a
18 supplemental criminal incident record prepared by
19 someone, an investigator, whose name I cannot read.
20 Perhaps it is Horn. Is that true?

21 MR. GIUFFRA: Hume is the man's name.

22 MR. KRAVITZ: H-u-m-e.

1 MR. DYSON: Can I have it back. With the
2 United States Park Police. It is a typed approximate
3 page-and-a-half summary of an interview conducted by
4 Detective Pete Markland of the Park Police and
5 Mr. Hume. So it is not correct to say it was a
6 statement by Ms. Pond. It is an interview.

7 These typed notes I would assume to be
8 their recollection and impression of what she said.

9 Can you tell me when these typed notes were
10 prepared, because there is no way to indicate that
11 and if in fact they were prepared from handwritten
12 notes.

13 MR. GIUFFRA: Why don't I ask Ms. Pond some
14 questions about these.

15 MR. DYSON: First of all, the interview
16 date on the first line, he has August 22nd.

17 MR. GIUFFRA: Counsel, why don't I just ask
18 your client some questions about this document. To
19 the extent she has -- which is the next set of
20 questions I was going to ask her -- whether she has a
21 different recollection of events than are stated in
22 this document, that's my question.

1 MR. DYSON: I'm just attempting to clarify
2 for the record before you ask a question just what
3 that document is and when it was prepared. Because I
4 can't tell.

5 MR. GIUFFRA: I believe it was prepared by
6 Captain Hume on August 6, 1993.

7 MR. DYSON: On August 6th?

8 MR. GIUFFRA: Yes. We have not spoken to
9 Captain Hume yet, so I'm not in a position to
10 represent to you how it was prepared.

11 MR. DYSON: However, if the interview took
12 place not on August 22nd, as it is represented, but
13 on July 22nd, I would assume it was prepared from
14 rough handwritten notes of Hume's.

15 MR. GIUFFRA: Counsel, let me just ask the
16 witness some questions about this document. To the
17 extent it does not accurately -- her recollection
18 does not accurately reflect what is stated down here,
19 you will get that on the record.

20 BY MR. GIUFFRA:

21 Q Now, Ms. Pond, you have had a chance to
22 read this document?

1 A Yes.

2 Q Do you recall being interviewed by Park
3 Police officers at any time with regard to
4 Mr. Foster's death?

5 A I remember being interviewed by several
6 people at the same time.

7 Q Would this have been several days after
8 Mr. Foster died?

9 A A couple days after, yes.

10 Q So July 22nd?

11 A Not August 22nd.

12 Q But July 22nd, to the best of your
13 recollection?

14 A Yes.

15 Q Do you recall the time of that interview?

16 A It was around 9:00 or 9:30 in the morning.

17 Q Do you recall who was present at the
18 interview?

19 A No. There were a bunch of guys there and
20 Cliff Sloan was there.

21 Q Do you recall whether any Secret Service
22 agents were present?

1 A I don't recall.

2 Q Do you know a Secret Service agent by the
3 name of Paul Imbordino, I-m-b-o-r-d-i-n-o?

4 A I don't know. I may know him not by name
5 but by sight.

6 Q Were there more than three other people
7 present?

8 A Were there more than three? I really don't
9 recall how many people were there.

10 Q Where was this interview conducted?

11 A I think it was in Carol Revsco's office.

12 Q Where is that?

13 A The second floor of the west wing.

14 Q Who does Carol Revsco work for?

15 A She is the assistant to the President for
16 domestic policy -- I just know she is an assistant to
17 the President.

18 Q Were you surprised Mr. Sloan was present at
19 the interview?

20 A No.

21 Q Did you know why he was present?

22 A Yes. He was there with me.

1 Q He was acting as your counsel?

2 A I don't know if you would call it acting as
3 my counsel. He was there with me, yes. He was my
4 representative. I guess you would want to call it
5 that.

6 Q Was he taking notes?

7 A Yes. He did take notes.

8 Q Do you recall whether anyone from the Park
9 Police or any of the other gentlemen who were
10 present, whether they objected to Mr. Sloan's
11 presence during this interview?

12 A I don't think so.

13 Q So it would be your testimony that they had
14 no objection to his presence?

15 A I don't recall.

16 Q Do you recall whether any of the Park
17 Police officers or any of the other gentlemen who
18 were present at the interview appeared angry or upset
19 in any way?

20 A Not that I recall.

21 Q Do you recall any complaints about White
22 House interference with the Park Police

1 investigation?

2 A No, I don't.

3 Q Do you recall who asked the questions?

4 A All of them did.

5 Q Did Mr. Sloan ask questions?

6 A No, I don't believe he did.

7 Q Do you recall whether anyone was present
8 from the Department of Justice during this interview?

9 A I don't recall.

10 Q Do you recall whether Mr. Sloan objected to
11 any of the questions that were asked?

12 A I don't recall.

13 Q And again, by "I don't recall," you just
14 don't recall anything about that subject matter; is
15 that your testimony?

16 MR. DYSON: When she says "I don't recall,"
17 that's what she means, I don't recall.

18 MR. GIUFFRA: I'm asking Ms. Pond that.

19 MR. DYSON: I understand that.

20 BY MR. GIUFFRA:

21 Q When you say you don't recall, you don't
22 recall anything about the subject matter; is that

1 correct?

2 A That's correct.

3 Q Now, did you sit next to Mr. Sloan?

4 A Yes. He sat around the corner somewhere.

5 Q Was he present for the entire interview?

6 A Yes.

7 Q Did Mr. Neuwirth appear at the interview?

8 A No.

9 Q Now, do you recall Mr. Nussbaum entering
10 the room at any point?

11 A Yes, I do.

12 Q Do you recall what he said or did?

13 A Yes. He walked into the room and he said
14 "hi, I'm Bernie Nussbaum. Is everything okay?"

15 Q Was he angry or was this pleasant?

16 A It was very pleasant.

17 Q It would be your testimony that the
18 statement in the document I just showed you, which we
19 have marked as Park Police 30, "during the interview
20 Bernie Nussbaum burst into the room and demanded 'is
21 everything all right,'" you would take exception to
22 the words "burst into the room and demanded"?

120

1 A Yes, I would.

2 Q This was very friendly?

3 A Very friendly. He walked into the room.
4 He said "is everything going okay?" Cliff and I went
5 like this (indicating) and he walked out.

6 Q Do you recall anything else about the
7 interview?

8 A No. I remember one time I couldn't
9 remember whether I had seen Vince the morning of his
10 death, and Cliff I remember saying "you told me" or
11 "don't you remember seeing him in the Rose Garden."

12 I couldn't even remember what was in the
13 Rose Garden. And then he reminded me that it was
14 Louis Freeh's announcement, and I had remembered
15 seeing Vince.

16 Q Other than the statement in this document
17 and the date that you identified previously, is there
18 anything else that is not accurate in this document
19 in terms of what you said or your recollection? I
20 haven't asked you a series of questions about
21 Mr. Foster's actions on the 20th, and if I don't need
22 to ask it because it is accurately reflected in this

1 document, I won't.

2 (Witness examined the document.)

3 A This is riddled with inconsistencies. They
4 are not things that I would characterize -- I'm not
5 in a position to say whether they are relevant or
6 not. But they are just inaccurate statements.

7 Q Let me ask a first question. Do you have
8 any knowledge of why the person who prepared this
9 document would have said that Mr. Nussbaum burst into
10 the room and demanded --

11 A Of course I wouldn't have any knowledge of
12 that.

13 Q Have you ever discussed this statement --
14 have you ever seen this document before?

15 A No, I have not.

16 Q Have you ever discussed the claim that
17 Mr. Nussbaum burst into the interview at any time
18 with anyone other than counsel?

19 A No. It was reported in The New York
20 Times.

21 Q Did you ever discuss it with Mr. Nussbaum?

22 A Not that I recall.

1 MR. DYSON: Let me talk to my witness for a
2 second, okay?

3 MR. GIUFFRA: Sure.

4 (Recess.)

5 MR. DYSON: I'm afraid I have to at this
6 point make a statement. I have instructed the
7 witness in the following manner. May I see your
8 document which has previously been marked into
9 evidence in this deposition as Exhibit 30 and 31? Am
10 I correct?

11 MR. GIUFFRA: Park Police 30 and 31.

12 MR. DYSON: Park Police 30 and 31. It has
13 previously been referred to as a statement by
14 Ms. Pond on July 22nd, 1993. In my view, for
15 whatever it is worth, it is not a statement by
16 Ms. Pond; it is a memorandum of her interview by
17 Detective Pete Markland and Detective Charles Hume,
18 prepared by them. It is much akin to what is known
19 as an FBI 302.

20 She is not going to adopt it as her
21 statement. There are parts of it, she informs me,
22 that are correct.

1 MR. GIUFFRA: Why don't we just get to the
2 questions then.

3 MR. DYSON: Why don't you question her on
4 what you perceive are relevant areas and she will
5 tell you what her recollection today is as to what
6 she said to these people and what she didn't, because
7 there is much here, I assume, that isn't for your
8 purposes today relevant.

9 MR. GIUFFRA: Well, it might be relevant to
10 us to know whether the Park Police were accurately
11 recording information at the time they were
12 conducting these interviewing.

13 MR. DYSON: Well, you can start with the
14 date of the interview, which is wrong.

15 BY MR. GIUFFRA:

16 Q Ms. Pond, are there other facts in this
17 memorandum that appear to you to be inaccurate? If
18 you could just identify them for me.

19 MR. DYSON: That's just what I instructed
20 her not to do. The burden shouldn't be on her to go
21 through the whole statement and find out whether it
22 was a cheeseburger or whether they walked in and

1 ordered it or telephoned. If anything is relevant
2 there, ask her.

3 BY MR. GIUFFRA:

4 Q I will read you the sentences from this
5 record and you can tell me whether it is accurate or
6 not.

7 MR. KRAVITZ: Can I talk to you for one
8 second? I think I might have a suggestion for making
9 this a little bit easier.

10 MR. GIUFFRA: Yes.

11 (Discussion off the record.)

12 BY MR. GIUFFRA:

13 Q Your testimony would be that you were
14 interviewed on July 22nd, 1993 by several Park Police
15 officers?

16 A Several people. I don't recall whether all
17 of them were Park Police.

18 Q Do you recall whether there was an FBI
19 agent who was present?

20 A I don't recall. I think that there was an
21 FBI agent present.

22 Q Was it your understanding that the purpose

- 1 of this interview -- was there only one interview?
 2 A Yes.
 3 Q -- was to reconstruct the final hours of
 4 Mr. Foster's life?
 5 A I have no understanding on what the purpose
 6 of the interview was.
 7 Q Again, you don't recall whether Mr. Sloan
 8 took notes throughout the interview?
 9 A I said he did take notes.
 10 Q Do you recall how long the interview was?
 11 A 45 minutes, an hour.
 12 Q It would be your testimony -- do you recall
 13 Mr. Foster having any visitors on the day he died?
 14 A No, I don't recall.
 15 Q So, it would be your testimony that as far
 16 as you know -- as far as you know, did he have any
 17 visitors or you just don't recall?
 18 A I don't recall.
 19 Q Then there was a discussion here about what
 20 food he was going to eat, cheeseburger, M&Ms.
 21 A Yes.
 22 Q Is it your recollection that you went down

- 1 with Ms. Tripp to get him this cheeseburger?
 2 A Yes, we did.
 3 Q And that -- did you bring the food into his
 4 office?
 5 A I didn't.
 6 Q Ms. Tripp did?
 7 A Yes.
 8 Q Do you know where he normally ate lunch?
 9 A No, I don't.
 10 Q You don't recall whether he was sitting at
 11 the sofa or not?
 12 A He sat at his sofa that day.
 13 Q How do you know that?
 14 A Because I could see his legs.
 15 Q He typically worked at his sofa?
 16 A I don't know if he typically worked at his
 17 sofa.
 18 Q Often during the day would he be sitting at
 19 his sofa, appearing to do work?
 20 A Most of the time his door was closed, so I
 21 don't know whether he was sitting at his desk or his
 22 sofa.

1 Q Did Mr. Nussbaum normally keep his door
2 closed?

3 A It varied.

4 Q But Mr. Foster normally kept his door shut?

5 A He kept his door shut a lot.

6 Q Would you say that the majority of the
7 time?

8 A No, I wouldn't say the majority of time.

9 Q There is a discussion here about purported
10 statements that you made to these Park Police
11 officers about any changes in Mr. Foster, whether
12 physically or emotionally, in the period right before
13 his death. What would be your testimony for the
14 record here with regard to his state of mind prior to
15 his death?

16 MR. KRAVITZ: Bob, is that relevant to this
17 hearing?

18 MR. GIUFFRA: Yes.

19 THE WITNESS: How do I know what his state
20 of mind was?

21 BY MR. GIUFFRA:

22 Q From what you could tell --

1 MR. DYSON: I thought this had to do with
2 the documents removed after his death, not his state
3 of mind.

4 MR. GIUFFRA: Without all the time spent on
5 these objections, we could have this done.

6 MR. DYSON: She doesn't know anything about
7 his state of mind. That's what her answer is.

8 BY MR. GIUFFRA:

9 Q Do you recall saying to the Park Police
10 that you did not notice any changes, either
11 physically or emotionally, right before his death?

12 A Do I recall saying that to the Park
13 Police? No, I don't recall saying that to the Park
14 Police. But I'm not saying I didn't say it. I just
15 don't recall.

16 Q Do you recall anything about what you said
17 to the Park Police?

18 A Very little.

19 Q What do you recall?

20 MR. DYSON: No. I thought you were going
21 through the statement line by line or whatever you
22 are doing.

1 MR. GIUFFRA: I'm asking the witness what
2 she recalls about the interview with the Park Police
3 officer. It is a simple open-ended question.

4 MR. DYSON: It certainly is that.

5 THE WITNESS: I recall being in a room with
6 several men, being asked questions, and that is about
7 it.

8 BY MR. GIUFFRA:

9 Q Do you recall whether there was anything
10 unusual about Mr. Foster's emotional or physical
11 state in the period right before he died?

12 A No, I don't.

13 Q Your testimony would be that he seemed to
14 be -- you didn't notice any changes in his emotional
15 or physical condition in the period right before he
16 died?

17 A No.

18 Q Your answer would be no, you didn't notice
19 any changes?

20 A No.

21 Q Your answer would be yes, you did notice
22 changes?

1 A I'm confused.

2 Q I'm confused as well.

3 A Well, you are asking the question. What do
4 you want to know?

5 Q In the period right before Mr. Foster died,
6 what was your perception of his physical condition?
7 Did you notice any changes?

8 A No, I did not notice any changes.

9 Q How about his mental condition, from what
10 you could tell?

11 A No.

12 Q He did not appear to be acting in a strange
13 manner?

14 A No.

15 Q Are you aware of whether he had any
16 depression problems?

17 A No, I was not aware.

18 Q And you have already testified that
19 Ms. Williams called you and you were asked to page
20 him and you paged Mr. Foster?

21 A Correct.

22 Q Now, is it your belief that Mr. Nussbaum or

1 Mr. Castleton were the last persons out of the
2 counsel's office on July 20th?

3 A I don't recall that now. I thought I left
4 the same time Bernie did. That's the way I remember
5 it now.

6 Q Do you recall whether Mr. Castleton was
7 still there?

8 A Yes, he was there.

9 Q So he stayed in the office when you and
10 Mr. Nussbaum left?

11 A We might have all left at the same time. I
12 don't recall.

13 Q Do you recall who set the alarm?

14 A No, I don't.

15 Q Would it have been normal practice when you
16 left if Mr. Foster was still there for him to have
17 shut his door?

18 A No, it wouldn't have been normal practice.

19 Q This document states you squashed papers
20 together that were on his desk. It would be your
21 testimony that it was the documents on the table in
22 front of his couch?

1 A Yes. I may have referred to it as his
2 desk.

3 Q Was this a low table several feet off the
4 ground, like a coffee table?

5 A Yes.

6 Q Do you recall a time when Mr. Nussbaum
7 conducted an inventory of the documents in
8 Mr. Foster's office?

9 A I wouldn't know that.

10 Q You testified that there was a guard posted
11 in front of Mr. Foster's office on the day after he
12 died; correct?

13 A Correct, uh-huh.

14 Q Did there come a time ever when people
15 entered that office as far as you know?

16 A Yes.

17 Q When was that?

18 A I don't recall.

19 Q Do you recall whether it was the day after,
20 the next day?

21 A It could have been the day after or it
22 could have been the next day. I do know it was not

1 Friday. But the two days after his death are a
2 blur. They all run together.

3 Q Do you recall whether a lot of people
4 went --

5 A Yes, there were a lot of people.

6 Q Do you recall whether -- what else do you
7 recall, other than a lot of people going into the
8 office?

9 A A lot of people went into the office. They
10 closed the door. A lot of people came out of his
11 office.

12 Q About how long did this period when the
13 door was shut go on for?

14 A I don't recall.

15 Q Do you recall whether it was an hour?

16 A I don't recall.

17 Q Two hours?

18 Do you recall anyone discussing the fact
19 that people would be going into Mr. Foster's office
20 at the time when they went into his office? Any
21 discussions with Mr. Nussbaum about it?

22 A No, I did not.

1 Q The night after Mr. Foster died, did you
2 give Mr. Nussbaum a ride home?

3 A I don't recall -- no, I did not.

4 Q Did you ever have any discussion at any
5 time about the handling of the papers in Mr. Foster's
6 office with Mr. Nussbaum?

7 A No, I did not.

8 Q You never discussed the handling of the
9 papers in Mr. Foster's office after his death with
10 Mr. Nussbaum?

11 A No, I have not.

12 Q Do you know anything more about that
13 particular meeting with people in Mr. Foster's office
14 in the days after his death?

15 A No, I do not.

16 MR. DYSON: I'm sorry. I apologize. I got
17 lost there. The meeting in Mr. Foster's office after
18 his death?

19 MR. GIUFFRA: Correct, where your client
20 testified that he closed the door.

21 MR. DYSON: I'm apologizing. I lost
22 track. My fault. Who was present at that? She

1 doesn't know?

2 BY MR. GIUFFRA:

3 Q Do you know who was present at the
4 meeting? You said a lot of people.

5 A A lot of people.

6 Q Some people from the White House counsel's
7 office?

8 A I remember Cliff. That's the only other
9 person I know.

10 MR. DYSON: This is what I got lost on. It
11 is my fault. My mind wandered or something. This
12 meeting was in whose office?

13 BY MR. GIUFFRA:

14 Q Mr. Foster's office; is that correct?

15 A Yes.

16 Q Was Mr. Neuwirth present?

17 A I don't recall.

18 Q There were people, though, who were not
19 familiar to you present?

20 A Correct.

21 Q Were any of the people who subsequently
22 interviewed you present or who interviewed you at

1 some point? Were any of them present?

2 A I do not recall whether they were or not.

3 Q So you don't recall whether this Captain
4 Hume or detective were there?

5 A No, I do not.

6 Q Do you know anything more about that
7 particular period when the door was shut in
8 Mr. Foster's office?

9 A No, I do not.

10 Q Did anyone discuss with you what occurred?

11 A No, they did not.

12 Q In the days after Mr. Foster's death, do
13 you recall Ms. Gorham unlocking the safe in
14 Mr. Nussbaum's office at any point or being asked to
15 open the safe?

16 A I don't recall.

17 Q Do you recall whether any documents were
18 taken from Mr. Nussbaum's office in the day or two
19 after Mr. Foster's death?

20 A No.

21 Q So, it would be your testimony that as far
22 as you know, no documents were removed from

1 Mr. Nussbaum's office?

2 A That's correct.

3 Q It would also be your testimony that you
4 saw no documents being removed from Mr. Foster's
5 office?

6 A That's correct.

7 Q The only thing you saw being removed from
8 Mr. Foster's office was the photograph of Mr. Foster
9 and the President, the childhood photograph?

10 A Yes, correct.

11 Q Do you recall who opened the door to let
12 the group into Mr. Foster's office?

13 A No, I do not recall.

14 Q Do you recall who had a key -- I remember
15 you testified that there was a lock put on the
16 office.

17 A Right.

18 Q Do you recall who had the key?

19 A There were two keys made. Bernie had one
20 key. Deborah had the other key.

21 Q Did there ever come a time when the Secret
22 Service guard left his position in front of

1 Mr. Foster's office?

2 A You mean ever in the world?

3 Q Yes. Did he ever leave -- when did he
4 leave his position?

5 A You mean that day? I don't remember when.
6 There was a guard there for a while. I don't recall
7 when there wasn't a guard there.

8 Q Do you recall if it was for one day, two
9 days, three days?

10 A Several days, maybe until there was a lock
11 put on. I don't recall.

12 Q Do you recall whether the guard was there
13 after the time when the lock was put on?

14 A I don't recall.

15 Q Do you recall -- the guard ultimately left;
16 that would be your testimony?

17 A But I don't know when.

18 Q At some point several days after
19 Mr. Foster's death?

20 A At some point there was no longer a guard
21 there. At one point there was a guard there. At
22 some point there wasn't a guard there. I don't know

1 when the guard was no longer there. I don't
2 remember.

3 Q Where were the keys to Mr. Foster's office
4 maintained?

5 A Deborah had one key, Mr. Nussbaum had one
6 key. I do not know where they kept them.

7 Q Do you know if they -- you don't know if
8 they were kept in their desk?

9 A I just said I do not know where they kept
10 the keys.

11 Q You mentioned that Mr. Nussbaum entered the
12 office. You have testified that Mr. Nussbaum and a
13 group of people entered the office. Do you recall
14 anyone else entering the office?

15 A No, I do not.

16 Q After the guard left the post in front of
17 Mr. Foster's office, did there come a time when
18 anyone else entered the office that you can recall?

19 A No. The office was locked.

20 Q Did you ever see anyone remove documents
21 from Mr. Foster's?

22 A No, I did not.

1 Q At any time?

2 A Oh, yes, at some point.

3 Q Do you remember when that was?

4 A Sometime the following week. His personal
5 things. I don't recall what was in them. I remember
6 getting a car to take a box of documents.

7 Q A car? A White House car?

8 A Yes.

9 Q And did someone come to pick up the
10 documents?

11 A No.

12 Q Were they delivered by a White House
13 messenger?

14 A No.

15 Q How were they delivered?

16 A They were delivered by Tom Castleton to the
17 Foster family's attorney.

18 Q Mr. Hamilton?

19 A Yes.

20 Q And they were in boxes?

21 A I don't remember what they were in.

22 Q Do you recall anyone entering the office to

1 box the documents?

2 A No, I don't recall that.

3 Q Do you recall anyone bringing boxes into
4 the office?

5 A It is not in my memory, no.

6 MR. KRAVITZ: Just for the record, I don't
7 think the testimony was that there were documents. I
8 object to that characterization in your questions. I
9 don't think that is what you testified to.

10 BY MR. GIUFFRA:

11 Q You saw boxes being removed from
12 Mr. Foster's office; correct?

13 A I think they were boxes.

14 Q Do you recall how big the boxes were?

15 A No, I don't.

16 Q Were they boxes that you needed two hands
17 to carry?

18 A Actually, this is what I recall. I recall
19 that personal effects were to be taken to Jim
20 Hamilton's office. I called and got a car to take
21 Tom and Linda to Jim Hamilton's office. That is what
22 I recall.

1 Q Do you recall anything else?

2 A No, I don't recall anyone going in or
3 coming out with boxes. I just know that that's in my
4 memory, that I called and got a car to take them over
5 there.

6 Q Now, in the period after Mr. Foster's
7 death, your position was still at the front desk
8 right in front of his office?

9 A Correct.

10 Q You spent a majority of your time at that
11 desk?

12 A Correct.

13 Q It is your testimony that you never saw
14 anyone take any boxes out of that office?

15 A I don't recall whether there were boxes.

16 Q Did you ever see anyone take any boxes out
17 of Mr. Foster's office after he died at any time?

18 A You know, I just don't remember if there
19 were boxes, how things came out of his office. You
20 know, I don't remember. I remember exactly what I
21 just told you. I remember that there were things
22 that were going to be -- personal effects of Vince's

1 that were going to be removed to be taken to Jim
2 Hamilton's office. I arranged for a car. I don't
3 remember physically seeing somebody come from Vince's
4 office with anything. That is my memory.

5 I remember that kind of conversation took
6 place, we need to get these effects to Jim Hamilton's
7 office.

8 Q But it is your testimony that you never saw
9 anyone remove any documents or boxes or anything
10 other than the picture from Mr. Foster's office at
11 any time?

12 MR. DYSON: After his death.

13 BY MR. GIUFFRA:

14 Q After his death.

15 A I know what you are saying. It is not in
16 my memory. I know things were, but I don't remember
17 seeing them removed.

18 Q You never saw Mr. Neuwirth remove anything
19 from Mr. Foster's office after his death?

20 A Not that I recall.

21 Q You never saw Mr. Castleton remove
22 things --

1 A He would have taken things out, but I don't
2 remember seeing him, per se, doing that.

3 Q Do you recall Mr. Nussbaum ever taking
4 anything out of Mr. Foster's office?

5 A No, I don't.

6 Q Do you ever recall Maggie Williams going
7 into Mr. Foster's office?

8 A No, I don't.

9 Q Do you ever recall David Watkins going into
10 Mr. Foster's office after his death?

11 A No.

12 Q Do you ever recall anyone other than
13 personnel of the counsel's office entering his office
14 after his death?

15 A What do you mean "other than personnel"?

16 Q Personnel from the counsel's office?

17 A Just that group of people. No, I do not.

18 Q Who is Jonathan Kopp?

19 A Jonathan, I think he was an intern in the
20 counsel's office across the street. Maybe he was an
21 attorney or maybe he was a law student. He worked
22 there for a while.

- 1 Q Who was Carolyn Huber?
2 A Carolyn Huber worked in the mansion, but I
3 do not know her position. I know that she was from
4 Little Rock. She worked in the Rose Law Firm in
5 Little Rock.
6 Q Did she work for the First Lady?
7 A I do not know.
8 Q Do you know a Michael Ben?
9 A Never heard of him.
10 Q Do you know whether any documents were
11 taken from Mr. Foster's office and stored in the
12 White House residence?
13 A No, I do not.
14 Q Have you ever heard any discussion other
15 than in the media with regard to that subject?
16 A No, I have not.
17 Q Never discussed that subject with
18 Mr. Nussbaum?
19 A No, I have not.
20 Q Did Mr. Nussbaum at any time ever discuss
21 his movements in Mr. Foster's office on the night of
22 Mr. Foster's death?
-

- 1 A No, he has not.
2 MR. KRAVITZ: So the record is clear, do
3 you mean ever discuss with Ms. Pond?
4 MR. GIUFFRA: That's my question.
5 MR. KRAVITZ: I don't think that was part
6 of the question. I think maybe we all assumed that.
7 I think the record should be clear.
8 BY MR. GIUFFRA:
9 Q Your testimony is you have never discussed
10 what Mr. Nussbaum might have done on the night of
11 Mr. Foster's death with regard to documents in
12 Mr. Foster's office?
13 A I have never had a discussion like that
14 with him.
15 Q Did there come a time when Mr. Neuwirth
16 discovered a torn up note in Mr. Foster's office?
17 A Yes.
18 Q What do you recall about that?
19 A I was not there. So I have no recollection
20 of it whatsoever.
21 Q You were not in the counsel's office that
22 day?

1 A That's correct.

2 Q Do you recall any other discussion amongst
3 people on the staff about the discovery of that note?

4 A I remember being told that Steve had found
5 something in Vince's briefcase, but it was --

6 MR. GIUFFRA: Hold on.

7 (Pause.)

8 BY MR. GIUFFRA:

9 Q Do you recall any discussion with anyone in
10 the counsel's office with regard to that note?

11 A I just remember -- as I said, I remember
12 maybe Linda saying or Deborah or someone saying that
13 there were pieces of paper found in Vince's
14 briefcase.

15 Q Do you recall any discussion in which
16 anyone wondered why Mr. Nussbaum had not found the
17 note when he searched Mr. Foster's office?

18 A No, I do not.

19 Q Do you recall any speculation about the
20 note being moved?

21 A No, I do not.

22 Q Any discussion of who tore the note?

1 A No.

2 Q Now, you have testified that the day after
3 Mr. Foster's death and the next day were sort of a
4 blur; correct?

5 A Correct.

6 Q Do you recall going to work on that Friday?

7 A No. I went to Little Rock on Friday.

8 Q You went to Little Rock for the funeral?

9 A Yes.

10 Q Was anyone in the counsel's office while
11 you were all at the funeral?

12 A Yes. Marlene MacDonald came in that day.
13 Tom Castleton was there. I got someone from the
14 correspondence unit to come over and help.

15 Q Do you know whether anyone entered
16 Mr. Foster's office?

17 A The door was locked.

18 Q As far as you know, there was no Secret
19 Service agent there?

20 A I don't know. I wasn't there.

21 Q Just based on what people have told you?

22 A No one has ever told me.

1 Q Other than what you have testified here
2 today, did you have any other involvement in the
3 transfer of any documents from Mr. Foster's office to
4 Mr. Hamilton's office?

5 A No.

6 Q Did you have any involvement in the
7 transfer of documents from Mr. Foster's office to
8 David Kendall?

9 A No.

10 Q Do you know who David Kendall is?

11 A I do.

12 Q Have you ever spoken to David Kendall?

13 A I have said "hi, David, how are you."

14 Q Other than having a brief greeting --

15 A A greeting.

16 Q -- have you ever spoken to him?

17 A No.

18 Q Do you know who Jane Sherbourne is?

19 A Yes.

20 Q Have you ever been interviewed by Jane
21 Sherbourne?

22 A Yes, I have.

1 Q During the course of that interview, what
2 did you discuss with Ms. Sherbourne?

3 MR. DYSON: I'm instructing her not to
4 answer the question.

5 MR. GIUFFRA: The grounds?

6 MR. DYSON: My understanding is that is a
7 subject matter not to be gone into. You can
8 certainly correct me if I'm wrong.

9 MR. GIUFFRA: I don't believe that is
10 correct.

11 MR. DYSON: I could well be wrong.

12 MR. GIUFFRA: I think you are wrong.

13 MR. DYSON: I'm ready to admit it, but I
14 don't think -- am I incorrect on that?

15 MR. KRAVITZ: I'm not sure that I have been
16 part of any conversations in the Senate as to whether
17 we should be going into conversations.

18 MR. DYSON: I have something in my head --

19 MR. GIUFFRA: You are Ms. Pond's attorney;
20 correct?

21 MR. DYSON: Correct.

22 MR. GIUFFRA: Ms. Sherbourne is not her

1 attorney?

2 MR. DYSON: Correct.

3 MR. GIUFFRA: The attorney-client privilege
4 does not protect any discussions she might have had
5 with Ms. Sherbourne.

6 MR. DYSON: You have got some
7 understanding -- they have not waived -- she is still
8 an employee of the White House. You have, as I
9 understand it -- and, again, I certainly stand to be
10 corrected -- some agreement with Ms. Sherbourne where
11 they didn't waive all of whatever privileges may
12 exist. Is that true?

13 MR. KRAVITZ: That's true.

14 MR. DYSON: Now, I have a copy of a letter
15 that --

16 MR. GIUFFRA: I'm familiar with the
17 letter. I don't believe it says anything about the
18 fact that counsel for the Senate cannot ask witnesses
19 before the Senate what they may have said to people
20 from the White House counsel's office.

21 MR. DYSON: I have some idea that you can.
22 Can you just give me a minute. I hate to hold you

1 up.

2 MR. GIUFFRA: Certainly.

3 (Pause.)

4 MR. DYSON: It is my belief that she is not
5 authorized to answer questions about the substance of
6 inquiries by the Office of White House Counsel about
7 her knowledge of events related to the handling of
8 Foster documents, that the White House has not waived
9 the privilege with respect to events that may have
10 occurred in their efforts to gather the facts in
11 order to respond to requests from independent
12 counsel, prepare for Congressional hearings or answer
13 press inquiries related to the independent counsel
14 and Congressional investigations.

15 MR. GIUFFRA: Counsel, is that in the
16 letter that you --

17 MR. DYSON: It is not in the letter between
18 Sherbourne and your committee.

19 MR. GIUFFRA: You are basing this on your
20 own assumptions or understandings you may have had
21 with Ms. Sherbourne?

22 MR. DYSON: That's true.

1 MR. GIUFFRA: It would be our view if the
2 witness is having discussions with Ms. Sherbourne
3 about the substance of her testimony that that's a
4 relevant fact for the committee to know.

5 MR. DYSON: She would answer that yes or
6 no.

7 BY MR. GIUFFRA:

8 Q Did you discuss the substance of your
9 testimony here today with Ms. Sherbourne?

10 A Have I discussed what I'm saying here today
11 with Ms. Sherbourne?

12 Q Yes.

13 A Absolutely not.

14 MR. DYSON: Let's go off the record for a
15 minute.

16 (Discussion off the record.)

17 BY MR. GIUFFRA:

18 Q Did there come a time when you were
19 interviewed about the events that we have discussed
20 today by the FBI? Did you ever discuss this with the
21 FBI, the matters we have talked about today?

22 A Yes.

1 Q Do you recall when that was?

2 A No.

3 Q Do you recall whether it was in 1994?

4 A It was 1994, yes, maybe springtime.

5 Q Did you speak just on one occasion or more
6 than one occasion?

7 A God, I have spoken to so many people.

8 MR. DYSON: Let's go off the record again.

9 (Discussion off the record.)

10 BY MR. GIUFFRA:

11 Q Ms. Pond, do you recall speaking with the
12 FBI about the subject matter of your testimony today?

13 A Yes.

14 Q Do you recall about when that was?

15 A About the spring of 1994.

16 Q Did you speak to the FBI on another
17 occasion?

18 A Yes.

19 Q So, do you recall how many times you have
20 spoken to the FBI about these events?

21 A I spoke to the FBI -- there are always FBI
22 people in these interviews.

- 1 Q Do you recall how many interviews there
2 have been, roughly?
3 A Maybe five.
4 Q Five interviews. Have you testified before
5 a grand jury?
6 A Yes, I have.
7 Q On how many occasions have you testified
8 before a grand jury?
9 A Once.
10 Q When was that?
11 A That was last month, May, June, April. I
12 think it was May.
13 Q May of 1995?
14 A Yes.
15 Q Now, after each one of these interviews,
16 were you debriefed by the White House counsel's
17 office?
18 A No.
19 Q Just after the first interview?
20 A After the interview with the two agents in
21 Fiske's office, about a month later I was interviewed
22 by Sheila and Jane.

- 1 Q Sheila's name?
2 A Cheston, C-h-e-s-t-o-n.
3 Q She worked in the White House counsel's
4 office?
5 A Yes.
6 Q You spoke with Ms. Jane Sherbourne?
7 A Yes.
8 Q Have you spoken to them on any other
9 occasion about the subject matter of your testimony
10 here today?
11 A No, I have not.
12 Q You did not speak to them in advance of
13 coming here to testify?
14 A They told me I was supposed to come here to
15 testify.
16 Q But did you speak to them about the
17 substance of your testimony?
18 A No.
19 Q Have you spoken with anyone else about the
20 substance of your testimony?
21 A My lawyer.
22 Q Other than your lawyer?

1 A No.

2 Q You have not spoken with Mr. Nussbaum about
3 the substance of your testimony?

4 A No.

5 Q Did you ever discuss -- do you know who
6 Sylvia Mathews is?

7 A Yes.

8 Q Who is she?

9 A She works for Bob Rubin.

10 Q At Treasury now?

11 A I don't know where she is now. She did
12 work at the White House.

13 Q Did you ever discuss with Ms. Mathews
14 anything surrounding Mr. Foster's death?

15 A I have no recollection of that.

16 Q Have you had any discussions with anyone at
17 the White House with regard to the significance of
18 any of the documents in Mr. Foster's office at the
19 time of his death?

20 A No.

21 Q Do you have any knowledge of what the
22 nature of the documents that were in Mr. Foster's

1 office were at the time of his death?

2 A No, I don't.

3 MR. GIUFFRA: Give me one second.

4 (Pause.)

5 BY MR. GIUFFRA:

6 Q Did there ever come a time after
7 Mr. Foster's death when Mr. Foster's wife came to the
8 counsel's office?

9 A At any time in the world?

10 Q After his death.

11 A Yes.

12 Q Do you recall when that was?

13 A No, I don't recall when it was.

14 Q Do you recall -- did she visit with
15 Mr. Nussbaum?

16 A I don't think he was there then.

17 Q So it would be after Mr. Nussbaum left the
18 counsel's office?

19 A No, no. I think she came to counsel's
20 office with a friend of hers and wanted to show them
21 Vince's office.

22 Q Do you recall Mr. Foster's attorney,

1 Mr. Hamilton, ever coming to the counsel's office
2 after Mr. Foster's death?

3 A I don't recall.

4 Q Now, I just want to be clear about a couple
5 of things. On the Monday or Tuesday -- let me go
6 back.

7 Mr. Foster's funeral was on a weekend; is
8 that correct?

9 A It was on a Friday.

10 Q And then you next came to work on Monday,
11 the 26th?

12 A No. Tuesday.

13 Q You did not come to work on the 26th. The
14 note was found -- you were not present when the note
15 was found?

16 A Correct.

17 Q On the 27th and 28th, which would be the
18 Tuesday and the Wednesday after the funeral, do you
19 recall anyone going into Mr. Foster's office?

20 A I don't recall.

21 Q You don't recall Ms. Gorham going into the
22 office?

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1 A She may have. I don't recall.

2 MR. GIUFFRA: No further questions.

3 MR. KRAVITZ: Why don't we take about a
4 five-minute break. I have very little.

5 (Recess.)

6 EXAMINATION

7 BY MR. KRAVITZ:

8 Q Ms. Pond, my name, again, is Neal Kravitz.
9 I'm counsel to the Democratic members of the Senate
10 Whitewater Committee. I'm going to be asking some
11 follow-up questions. I will try to be repetitive as
12 little as possible so we can get you out of here.

13 I first want to direct your attention to
14 the early morning of July 21, 1993, after you arrived
15 at the White House counsel's office at approximately
16 7:00 that morning and you went into Mr. Foster's
17 personal office.

18 Did you notice whether Mr. Foster's trash
19 can had anything in it at that time?

20 A No, I did not.

21 Q Did you notice whether Mr. Foster's burn
22 bag had anything in it when you went into

1 Mr. Foster's office sometime after 7:00 a.m. on July
2 21, 1993?

3 A That is assuming I noticed that there was a
4 burn bag, which I did not.

5 Q Thank you for that clarification. Let me
6 actually ask you a similar clarifying question with
7 regard to the trash can. When you went into
8 Mr. Foster's office shortly after 7:00 on the morning
9 of July 21, 1993, did you notice Mr. Foster's trash
10 can?

11 A No, I did not.

12 Q You testified earlier that at some point
13 after you arrived at the White House counsel's office
14 on the morning of July 21, 1993, I think you said you
15 were on the telephone with a friend of yours and
16 Stephen Neuwirth entered the White House counsel's
17 office suite; is that correct?

18 A That's correct.

19 Q To the best of your memory, what time was
20 it when Mr. Neuwirth entered the White House
21 counsel's office suite on July 21st?

22 A I can't be certain, but I would think maybe

1 7:40, something like that.

2 Q You testified earlier that at some point
3 after Mr. Neuwirth entered the suite that morning, he
4 went into Mr. Nussbaum's office; is that right?

5 A Yes.

6 Q Was there ever a time on the morning of
7 July 21st, 1993 when you were present that
8 Mr. Neuwirth stood in the doorway to Mr. Foster's
9 personal office and told people not to go into
10 Mr. Foster's office?

11 A I don't recall that.

12 Q Did you ever see Mr. Neuwirth in the
13 doorway to Mr. Foster's office that morning?

14 A I don't recall seeing him there.

15 Q You mentioned something earlier this
16 afternoon about calling the military office at some
17 point on the morning of July 21, 1993 to request
18 something with regard to the security of Mr. Foster's
19 office. Do you remember that testimony?

20 A Uh-huh.

21 Q Could you tell us, first of all, what the
22 military office is and then whatever else you

1 remember about that telephone call.

2 A I don't know how I got to the military
3 office. But we were trying to find out why no one
4 had shown up to guard the office.

5 Q Had another request already been made from
6 Mr. Nussbaum or someone in your office?

7 A Someone in our office, and I don't recall
8 who, had requested that someone come over. And when
9 they didn't show up, we started calling to find out
10 where they were.

11 Q We have obtained testimony from other
12 witnesses that at some point in the morning of July
13 21, Linda Tripp made a call on behalf of Mr. Nussbaum
14 to John Magaw's office -- Mr. Magaw was the director
15 of the Secret Service -- requesting that the Secret
16 Service post a guard outside of Mr. Foster's office.
17 Does hearing that refresh your memory as to what the
18 previous call may have been?

19 A That doesn't refresh my recollection, but I
20 know there were several calls, and I know Linda made
21 some calls. I don't know who -- what did you say his
22 name was?

1 Q John Magaw -- it is M-a-g-a-w -- director
2 of the Secret Service.

3 A I don't know who she called.

4 Q And I think your testimony was that you
5 were not sure who asked you to call the military
6 office; is that right?

7 A I'm not even sure how the military office
8 got -- I think that came from Linda, but I'm not
9 sure. I think she -- I think maybe somebody might
10 have said you have to call the mil office. I don't
11 know how.

12 Q Did you actually call the military office?

13 A Did I personally? I remember calling
14 someone, but there were a flurry of phone calls,
15 where is somebody, why haven't they shown up, we
16 requested this. And in my memory, I say the military
17 office, but when I look back on it, I don't know why
18 I say the military office. I just remember that was
19 one of the -- somebody must have told us to call.

20 Q At approximately what time on the morning
21 of July 21 did people from the White House counsel's
22 office begin making calls to request that

- 1 Mr. Foster's office be secured?
- 2 A I don't recall.
- 3 Q Do you remember whether it was before or
- 4 after Mr. Neuwirth arrived in the office?
- 5 A I think it was after.
- 6 Q Do you remember whether it was before or
- 7 after Mr. Nussbaum arrived at the office?
- 8 A I don't recall.
- 9 Q Did you ever speak with Mr. Nussbaum on the
- 10 morning of July 21 about obtaining security for
- 11 Mr. Foster's office that morning?
- 12 A I just recall him saying not to let anybody
- 13 in Vince's office when I called him up.
- 14 Q In other words, when you called
- 15 Mr. Nussbaum at home early in the morning?
- 16 A Yes, he said don't let anybody in Vince's
- 17 office. That's my only recollection of a
- 18 conversation with him.
- 19 Q I want to jump to the next day now, the
- 20 morning of July 22nd, and your interview with
- 21 officials from the Park Police and perhaps others. I
- 22 think you testified that at some point during that

- 1 interview, Mr. Nussbaum came into the room and said
- 2 "hi, I'm Bernie Nussbaum, is everything okay"; is
- 3 that correct?
- 4 A That's correct.
- 5 Q My question is this: Could you tell who
- 6 Mr. Nussbaum was asking "is everything okay"? Was he
- 7 asking you or was he asking the people who were
- 8 interviewing you?
- 9 A It was sort of generic. I don't recall
- 10 that he looked at anybody. He wasn't introducing
- 11 himself to me. I mean, it was sort of all in the
- 12 same conversation, "hi, I'm Bernie Nussbaum, is
- 13 everything okay." Cliff and I went like this
- 14 (indicating) and he turned around and walked out.
- 15 Q So the record is clear, Cliff and you
- 16 waved?
- 17 A We waved, raised our hand like it is okay.
- 18 Q Did any of the people who were asking you
- 19 questions respond to Mr. Nussbaum's question?
- 20 A No, and I don't remember if he shook their
- 21 hands or introduced himself. That's all I recall.
- 22 MR. KRAVITZ: Now, Mr. Giuffra seems to

1 have left along with the documents.

2 MR. DYSON: I was looking for it myself as
3 a matter of fact.

4 MR. KRAVITZ: If you need it, I have a copy
5 of it in my files. For purposes of my questions, I
6 don't think I need it. Please let me know if you
7 need to look at the two-page document Mr. Giuffra was
8 showing you. It is a Bates stamped document 30 and
9 31 from the Park Police production. This was a
10 two-page memorandum that appeared to be written
11 sometime in August 1993 by Detective Hume.

12 BY MR. KRAVITZ:

13 Q Were you ever shown that two-page
14 memorandum before today?

15 A Never.

16 Q Did anybody ever give you an opportunity to
17 review that and indicate whether it was accurate or
18 not?

19 A Never.

20 Q Did Mr. Hume ever show you any notes that
21 he may have taken during your interview?

22 A Never, no.

1 Q Were you ever given an opportunity to check
2 his notes and tell him that they may have been
3 inaccurate?

4 A No.

5 Q Do you know whether anyone representing
6 either you individually or the White House was ever
7 given an opportunity to make corrections to
8 Mr. Hume's notes or to his memorandum?

9 A No, I don't.

10 Q You testified that at some point following
11 Mr. Foster's death you made arrangements for a car to
12 take Tom Castleton and Linda Tripp from the White
13 House over to Mr. Hamilton's office at Swidler &
14 Berlin along with some personal effects of
15 Mr. Foster's; is that right?

16 A Yes.

17 Q Can you -- to the best of your memory, can
18 you pinpoint for us when that occurred?

19 A It was the following week, and it probably
20 would have been Tuesday or Wednesday or Thursday of
21 that week.

22 Q So it would have been July 27th, 28th or

1 29th?

2 A I believe so.

3 Q And did you have any involvement whatsoever
4 in the packing up of Mr. Foster's personal effects?

5 A No, but my role is -- I was the only one
6 authorized to arrange a car. So that's where I came
7 in.

8 Q But you weren't involved in putting
9 Mr. Foster's effects into anything?

10 A No.

11 Q Or making a log or anything like that?

12 A No.

13 Q And you weren't involved in carrying the
14 effects down to the car?

15 A No.

16 Q And no one ever showed you what those
17 personal effects were before they were packed up?

18 A No.

19 Q In your opinion, did either Mr. Sloan or
20 Mr. Nussbaum interfere in any way with the interview
21 that the U.S. Park Police conducted of you on July
22 22, 1993?

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1 A Absolutely not.

2 MR. KRAVITZ: That's all I have. Thanks a
3 lot. I think your lawyer has a few questions.

4 MR. DYSON: You covered a lot, but I have
5 very little.

6 If you can put your hands on that Park
7 Police 30 and 31, as I think it has been identified.
8 If not, I can probably just go with it.

9 MR. KRAVITZ: I have it. I have to say,
10 just for the record, there are some markings on these
11 two pages of documents, and those markings were on
12 this document when we got it. I have no idea who
13 wrote those on there.

14 MR. DYSON: That shouldn't cause me any
15 problem.

16 Off the record.

17 (Discussion off the record.)

18 EXAMINATION

19 BY MR. DYSON:

20 Q I'm going to show you, Ms. Pond, what has
21 previously been identified during your direct
22 examination as Park Police Exhibits 30 and 31. You

1 have previously seen these during your deposition,
2 have you not?

3 A My deposition here today.

4 Q Here today. You have reviewed these
5 documents, have you not, today?

6 A Yes.

7 Q As Mr. Kravitz pointed out, today was the
8 first time you have ever seen these documents?

9 A Yes.

10 Q Now, specifically directing your attention
11 to page 2, which is actually 31, the last sentence of
12 the next to the last paragraph, would you read that
13 into the record.

14 A "She realized that she shouldn't have
15 touched the papers as soon as she did it, but
16 probably did it out of habit."

17 Q What papers are you referring to?

18 A The papers that were on his table.

19 Q And are they the papers that you squashed
20 together or smushed together?

21 A Yes.

22 Q Now, do you have a specific memory of using

1 the word "habit" when you were interviewed by the
2 Park Police?

3 A No, I don't.

4 Q You were not in the habit, were you, of
5 doing anything with papers or documents in
6 Mr. Foster's office, were you?

7 A No, I was not.

8 Q Would a better word have been or is it your
9 recollection today that you would have reflexively
10 smushed or squashed the papers together?

11 A Yes. It was a reflex.

12 Q Not a habit?

13 A No.

14 Q Very briefly would you tell us what your
15 emotional condition was on July 21st when you were in
16 the counsel's office, July 21, 1993.

17 A I was a wreck, I was in shock.

18 Q Do you have a specific recollection of who
19 came and went out of the counsel's office that day?

20 A No. No, I do not.

21 Q You have answered a number of questions
22 here today with a response "I don't recall." Do you

1 mean by that that you have no recollection one way or
2 the other?

3 A If I say I don't recall?

4 Q Yes. What do you mean when you say "I
5 don't recall"?

6 A I don't remember, I don't -- I don't recall
7 one way or the other. I just don't remember.

8 MR. DYSON: That's all I have.

9 MR. KRAVITZ: I have one more question, if
10 that's okay.

11 EXAMINATION

12 BY MR. KRAVITZ:

13 Q This goes back to your interview by the
14 Park Police on July 22nd, 1993. Did the presence of
15 Clifford Sloan in that interview affect in any way
16 your answers to the questions you were asked in that
17 interview?

18 A No, with the exception of the one time that
19 I told you I didn't remember seeing Vince on the
20 morning, and Cliff said yes, you did. Actually, what
21 Cliff said was what happened that morning, and I said
22 it was Louis Freeh's announcement. Then I remembered

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1 seeing Vince in the Rose Garden.

2 Q In fact, Mr. Sloan's presence resulted in
3 your providing additional information to the Park
4 Police than you might otherwise have provided?

5 A Correct.

6 MR. KRAVITZ: That's all I have for the
7 witness.

8 MR. DYSON: Nothing further.

9 MR. JOHNSON: I'm speaking for the first
10 time, not to ask any questions, you will be
11 grateful. If Mr. Giuffra were here, he would say
12 what I am about to say, and that is the
13 confidentiality of these proceedings is extremely
14 important to the staff and the Senate. We would be
15 grateful if you didn't discuss it with anyone.

16 THE WITNESS: I certainly will not.

17 (Whereupon, at 6:15 p.m., the deposition
18 was concluded.)

19

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21

22

BETSY POND

CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, BRENDA M. SMONSKEY, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Brenda Smonskey
Notary Public in and for the
District of Columbia

My Commission Expires APRIL 14, 1996

DEPONENT

Betsy Pond

ERRATA

PAGE	LINE	CHANGE FROM	CHANGE TO	REASON
25	12	COUNTER	CORNER	incorrect
26	22	line	does not make sense	
27	14	office	desk	incorrect
39	12	?		
62	13	For	From	incorrect
100	8	in	only	
110	19	starming	standing	incorrect
116	11	Boyce	Bozo	incorrect

I reviewed my deposition taken
on June 26, 1995, before a Grand
Committee of the Senate. It was
signed by me with the express
understanding that this Errata
sheet be made a part of it.

July 14, 1995

Betsy Pond

1740

Myself and Special Agent Condon interviewed Ms. Eetsy L. Pond; Staff Assistant to Bernard Nussbaum, Chief Counsel for the White House. The interview took place in an office that was unoccupied for the day. Present in the room during the entire interview were Clifford Sloan; associate counsel to Nussbaum, and Paul Imbordino; assistant Special Agent in Charge, Office of Protective Operation, U.S. Secret Service. Clifford Sloan took notes throughout the interview. During the interview Bernard Nussbaum burst into the room and demanded "is everything all right?"

At around 1300 hours he came out of the office and stated "I'll be back, there are M & M's left in my office". Ms. Pond recalled that she and Linda were in the office when he left. She wasn't sure if Tom was in the office or not. Tom Castleton is a young college graduate working in the office. There was nothing unusual about his emotional state. In fact, over the last several weeks she did not notice any changes, either physically or emotionally. She noticed no weight lost. She was unaware of him taking any medication or seeing any doctors. I asked here would she be surprised if I found out he was seeing a psychiatrist. She said yes. She was not aware of any depression problems. She had no information whether he owned any weapons.

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NATIONAL PARK SERVICE
SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE :

INVESTIGATOR	DATE	TIME	DAY	MONTH	YEAR	INCIDENT NUMBER
United States Park Police	0	7:2	0	9	3	913 - 3,05103
NATURE OF INCIDENT						
Death Investigation						
RESULTS OF INVESTIGATION						

Ms. Pond said she left work at approximately 1845-1850 hours on Tuesday; but, before she left at around 1820 or so, Maggie Williams (Mrs. Clinton's Chief of Staff) called for Vincent. She paged Vincent and left the White House number for him to call. She recalled no other phone messages for Vincent.

She learned about Vincent's death from messages on her home answering machine around 0500-0600 hours on Wednesday, July 21. She came into work at 0700 hours and was the first person in. The door to Vincent's office was closed when she arrived at work. She believed that Tom Castleton or Bernard Musbaum were the last persons out of the complex on Tuesday and one of them would have closed the door to Vincent's office. She went into his office and "squashed" the papers together that were on his desk. She realized that she shouldn't have touched the papers as soon as she did it but probably did it out of habit.

When I questioned her if she had been told how to respond to our questions, she stated that Clifford Sloan (who was present during our interview) and Steve Neuwirth, both associate counselors, had called them all together on Wednesday evening and told them they would be questioned by the police and for them to tell the truth.

101	102	103	104	105	106	107	108	109	110
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**DEPOSITION OF THOMAS E. CASTLETON
IN RE: S. RES. 120**

TUESDAY, JUNE 27, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of THOMAS E. CASTLETON, called for examination pursuant to notice of deposition, at 2:35 p.m. in Room 640-A of the Hart Senate Office Building, before BRENDA M. SMONSKEY, a Notary Public within and for the District of Columbia, when were present:

MICHAEL CHERTOFF, Esq.
Majority Special Counsel
NEAL E. KRAVITZ, Esq.
Minority Principal Deputy Special Counsel
THOMAS B. GRIFFITH, Esq.
Deputy Senate Legal Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

K. CHRIS TODD, Esq.
DAVID FIELDER, Esq.
Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C.
1300 Eye Street, NW
Suite 500 East
Washington, DC 20005
On behalf of the Deponent.

ALSO PRESENT: TIMOTHY P. MITCHELL

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P R O C E E D I N G S

Whereupon,

THOMAS E. CASTLETON

was called as a witness and, having first been duly sworn, was examined and testified as follows:

E X A M I N A T I O N

BY MR. CHERTOFF:

Q Would you spell your name for the court reporter, please.

A Thomas, T-h-o-m-a-s, Edward, E-d-w-a-r-d, Castleton, C-a-s-t-l-e-t-o-n.

Q Let me just give you a little bit of introduction before we begin. You understand you are here for a deposition being conducted pursuant to Senate Resolution 120. That resolution establishes a special committee of the Senate, administered by the Banking Committee, to conduct an investigation involving Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, Capital Management Services, Inc., the Arkansas Development Finance Authority and other related matters.

Do you understand that?

4

A Yes, I do.

Q Section 1.B.1 of that resolution authorizes investigation and public hearings into "whether improper conduct occurred regarding the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster following his death."

That's going to be the focus of this deposition. Do you understand that?

A Yes.

Q You were requested to testify here on June 21, 1995; is that correct?

A I'm not sure I have a record of that.

Q You remember receiving a letter in June 1995 or being informed of a letter in June 1995 pursuant to which you are appearing here?

A Yes.

Q Now, this deposition is being taken in anticipation of a public hearing that will probably occur sometime in July. There is a fair likelihood you will be required to testify at that hearing. Do you understand that?

1 A Yes.

2 Q I'm going to ask you a series of
3 questions. You have to answer those questions unless
4 your lawyer instructs you to the contrary. Do you
5 understand your testimony is under oath?

6 A Yes.

7 Q If you don't understand a question that I
8 ask, please let me know and I will make sure to
9 rephrase it. Do you understand that?

10 A Yes. Thank you.

11 Q At the same time, if there is something
12 that is ambiguous again or that you feel you need to
13 speculate about to answer, please don't do that.
14 Tell me that it is ambiguous or that you need to
15 speculate. I may ask you to speculate but unless I
16 specifically ask you to do so I would like you to
17 base your answers based on what you know. Do you
18 understand that?

19 A Yes.

20 Q If you need a break, if you want to talk to
21 your counsel, if you need to have a break for some
22 other purpose, let me know and we will take a break.

1 Your counsel is here is whom?

2 A K. Chris Todd.

3 Q Have you had an opportunity, without
4 telling me exactly what you discussed, have you had
5 an opportunity to consult with him in anticipation of
6 this deposition?

7 A Yes.

8 Q Now, the stenographer here is going to be
9 preparing a record of questions and answers in the
10 deposition. This deposition is going to be treated
11 as committee confidential until the commencement of
12 the hearings. That means it will be held in
13 confidence, available only to Senate members and
14 Senate staff until the hearings take place. At such
15 time as the hearings occur, portions of the
16 deposition or the entirety of the deposition may
17 become public. Do you understand that?

18 A Can you restate that?

19 Q Once the hearings begin, some portions of
20 this deposition or perhaps the entirety of the
21 deposition may become public. Do you understand
22 that?

1 A Yes.

2 Q Now, you are going to be given an
3 opportunity to review the transcript of the
4 deposition before the deposition becomes public.
5 What we expect is that you will have an opportunity,
6 I would say four days before the hearings begin, to
7 come in, look at the transcript, make any clerical or
8 ministerial corrections that need to be made and that
9 will become incorporated in the final record.

10 In addition, we have agreed that if you are
11 to testify as a witness, you will be given a copy of
12 your deposition four days before your testimony,
13 provided that you and your counsel agree to hold that
14 in confidence amongst yourselves and not to
15 disseminate the content outside of yourselves. Do
16 you understand that?

17 A Yes.

18 Q Now, when you come in to correct your
19 deposition, I want to warn you that if you make
20 corrections that are substantive, that can become a
21 basis to bring you in and redepose you on those
22 corrections. So when I'm indicating you have the

1 opportunity to make corrections, I am telling you
2 that essentially those corrections if they are not
3 ministerial or clerical could become a basis for
4 redeposing you or questioning you again in the
5 future.

6 Finally, let me say your counsel may object
7 to the form of questions for the record. Basically
8 you should answer questions unless your counsel
9 instructs you not to on the grounds of privilege.
10 There may be one type of objection -- I don't think
11 it is likely to come up here -- which could be raised
12 which is an objection as to scope in case a question
13 goes outside the four corners of Resolution 120. If
14 such an objection is raised, we will deal with it
15 amongst ourselves and you will be instructed as to
16 whether you should go ahead and answer or not.

17 In general, if there is a substantive
18 objection and a decision is made to instruct you not
19 to answer the question, we will either proceed
20 without your answering the question or we may decide
21 to take the matter up at the committee level if, in
22 fact, we need some kind of a ruling.

- 1 Is all this clear to you?
- 2 A Yes.
- 3
- 4
- 5
- 6
- 7 Q Where do you work?
- 8 A At the Department of Justice.
- 9 Q In what office?
- 10 A The office of legislative affairs.
- 11 Q What is your position?
- 12 A Special assistant.
- 13 Q To whom?
- 14 A To the Assistant Attorney General.
- 15 Q How long have you had that position?
- 16 A Since September of 1994.
- 17 Q How did you get the position?
- 18 A I applied for it and was interviewed and
- 19 was offered the position.
- 20 Q You applied for it in writing?
- 21 A Yes.
- 22 Q Is it a Civil Service position?

10

- 1 A No. It is a schedule C appointment.
- 2 Q To whom did you apply?
- 3 A To the Assistant Attorney General, Sheila
- 4 Anthony.
- 5 Q What was the reason you applied?
- 6 A Because I was looking to work at the
- 7 Justice Department.
- 8 Q What was your previous job?
- 9 A Special assistant to the counsel to the
- 10 President.
- 11 Q Who was the counsel to the President when
- 12 you applied to the Justice Department?
- 13 A Bernard -- well, it was Lloyd Cutler.
- 14 Q And is there some particular reason you
- 15 wanted to leave the counsel's office?
- 16 A No, just that I had been there for a year
- 17 and a half and I felt that I needed a different kind
- 18 of experience.
- 19 Q Now, let me track backwards. When did you
- 20 graduate from college?
- 21 A In June of 1993.
- 22 Q Where did you go to college?

1 A At Harvard University.

2 Q What did you get your degree in?

3 A In government.

4 Q What did you do after you graduated from
5 college in terms of employment?

6 A Several days later, because I had gone
7 through the application process in the spring, I
8 started at the White House.

9 Q And you started in what office?

10 A The counsel's office.

11 Q Who was the counsel at the time you started
12 work in the White House counsel's office?

13 A Bernard Nussbaum.

14 Q Who hired you for the position?

15 A Bernard Nussbaum.

16 Q When did you first apply for the position?

17 A I believe I applied in mid to late April of
18 1993.

19 Q Why did you apply for the position?

20 A I was searching for employment upon my
21 graduation, and my interests were concurrent with
22 what the office did.

1 Q In what way?

2 A My academic training was tailored, I
3 believe, to going to law school at some point, and I
4 felt that this would be a beneficial experience.

5 Q Did you work on the Clinton/Gore campaign?

6 A Yes.

7 Q When did you start working on the campaign?

8 A October 1991.

9 Q And were you in school at that time?

10 A Yes.

11 Q What kind of work did you do?

12 A Well, at school, I organized the
13 Harvard-Radcliffe group of students that volunteered
14 for the campaign. And at the state level, I worked
15 on the state steering committee in Massachusetts and
16 in New Hampshire and coordinated with the New
17 Hampshire campaign to bring students up and help them
18 out, especially on weekends. So that was the extent
19 of my involvement.

20 Q Did you continue to be involved after the
21 New Hampshire primary?

22 A Yes.

1 Q What was your involvement at that point?

2 A Well, preparation for the Massachusetts
3 primary, which I believe happened in the middle of
4 the spring, maybe a little bit earlier, and in
5 preparation for the general election in November.

6 Q After the Massachusetts primary, did you
7 continue to work on the campaign?

8 A Yes.

9 Q In what capacity?

10 A I just became affiliated -- since I worked
11 on the state steering committee, I became affiliated
12 with the official campaign organization in
13 Massachusetts, which was still active to maintain the
14 structure necessary for the general election.

15 Q Did you have contact with anyone at the
16 national campaign level?

17 A At various points in time, but I could not
18 tell you that I remember anybody in particular. It
19 was not regular contact. It was just to get a
20 particular project done or a particular thing done.

21 Q Was there a particular person at the
22 national campaign level that you dealt with?

1 A No.

2 Q Did you have occasion during the course of
3 the campaign to go down to Arkansas?

4 A No.

5 Q When is the first time you met
6 Mr. Nussbaum?

7 A When the White House counsel -- when the
8 office responded to my solicitation for work, they
9 also asked me if I would consider coming down to
10 Washington for an interview. And my interview,
11 although it wasn't conducted directly with
12 Mr. Nussbaum, I did have occasion, upon coming down
13 for the interview, to meet Mr. Nussbaum.

14 Q How did you actually solicit the job?

15 A I wrote a cover letter and I sent a copy of
16 my resume to the counsel's office to two, maybe three
17 individuals.

18 Q Did you know those people?

19 A No.

20 Q How did you select their names to write
21 them?

22 A Because they were individuals that had

1 publicly been known to have gotten positions in the
2 counsel's office.

3 Q Did you ask anybody that you had known from
4 the campaign to help you in terms of this effort to
5 get a job at the counsel's office?

6 A No.

7 Q Did you call anybody at the same time that
8 you wrote the letters about getting a job at the
9 counsel's office?

10 A No.

11 Q And in response to the letters, who did you
12 hear from first?

13 A Let me ask you a question to clarify.

14 Q Okay.

15 A Are we talking about, when you asked me
16 whether I asked people to call other people or
17 contact other people, are we talking about the period
18 of time between the time that I sent my solicitation
19 and the period of time when that was responded to?

20 Q No. I'm talking about from the time it
21 first entered your mind to seek the position or any
22 position with the administration until the time that

16

1 you received the position.

2 A Yes. I did ask one individual that I can
3 recall to contact somebody.

4 Q Who was that?

5 A It was my current employer. His name is
6 Philip Levine. I asked him to contact Mr. Nussbaum.

7 Q Now, Philip Levine is your current employer
8 in what capacity?

9 A I had a part-time job my last year at
10 Harvard.

11 Q When you say your "current employer," you
12 don't mean your employer now. You mean your employer
13 at that time?

14 A I'm sorry. My previous employer, yes.

15 Q What kind of job did you have with him?

16 A I was a legal assistant.

17 Q He is a lawyer?

18 A Uh-huh.

19 Q What firm?

20 A Stanzler, Levine & Joyce.

21 Q He knew Mr. Nussbaum?

22 A Yes.

1 Q Had he been involved in the campaign,
2 Mr. Levine?

3 A Not to my knowledge.

4 Q Other than Mr. Levine, did you ask anyone
5 else to contact someone on your behalf in terms of
6 your efforts to get a position at the counsel's
7 office?

8 A No.

9 Q Who did you hear back from first after you
10 sent your letters into the counsel's office?

11 A The only person I directly heard from was
12 Vincent Foster.

13 Q How did you hear from him?

14 A He called me and left a message on my
15 answering machine.

16 Q And what happened next in terms of this job
17 application process?

18 A From the point where he left the message, I
19 returned his call.

20 Q Then what happened?

21 A We discussed a possible position in the
22 counsel's office for approximately 20 minutes, and he

1 asked me whether I might be interested in something
2 like that. I said that I would be interested and
3 would consider it but that I would like to learn more
4 about it. And he invited me down for an interview.

5 Q And when did you go down for your
6 interview?

7 A I believe it was -- the phone call was on a
8 Friday, and I believe it was toward the middle or
9 late the following week.

10 Q Again, what month would that be?

11 A To the best of my recollection, it was late
12 April.

13 Q Of 1993?

14 A Yes.

15 Q Who did you actually interview with in the
16 office?

17 A With Vince Foster and with Steve Neuwirth.

18 Q You say you met Mr. Nussbaum at some point?

19 A Uh-huh.

20 Q Was it a planned meeting or just an
21 incidental meeting?

22 A I don't know that it was planned. I think

1 it was Mr. Nussbaum was dealing with other business,
2 and the opportunity arose. But I mean Mr. Foster's
3 office was right next door. So it wouldn't have been
4 an inconvenience.

5 Q When were you actually offered the
6 position?

7 A I believe I was offered the position
8 sometime in early to mid-May.

9 Q So how much time elapsed between the time
10 you were interviewed and the time you got the job?

11 A Approximately two to three weeks.

12 Q During that period of time, did you have
13 any further contact with anybody in the White House?

14 A Yes, with Mr. Foster to follow up.

15 Q Which was in person or by telephone?

16 A By telephone.

17 Q What was the nature of that contact?

18 A Just phoning up and trying to find out what
19 the status of their decision was. That's essentially
20 what it was.

21 Q Were you told that anybody else had to
22 approve your appointment besides the counsel's

20

1 office?

2 A No.

3 Q Do you remember the date you got the
4 appointment?

5 A Ask you clarify the question, please.

6 Q What date did you get told you have the
7 job?

8 A I don't recall.

9 Q What was your actual starting day?

10 A June 16, 1993.

11 Q Now, did you have an office that you used?

12 A I did not have a personal office, no.

13 Q Where were you generally stationed in the
14 White House counsel's offices?

15 A There is a suite in the west wing that
16 includes the counsel's personal office, the deputy
17 counsel's personal office and a general office area.
18 I was in that general office area.

19 Q Did you have a desk?

20 A Yes.

21 Q And that was your permanent station?

22 A Yes.

1 Q From the period June 16, 1993, let's say
2 through the end of August, what were your
3 responsibilities in your position -- what was your
4 title, actually?

5 A It was special assistant to the counsel to
6 the President.

7 Q During that period of time, what were your
8 duties as special assistant to the counsel?

9 A My primary responsibility administratively
10 was to control the flow of paper, and included in
11 that were other spot projects that would come up,
12 because different people would need different things
13 done.

14 Q What do you mean by "control the flow of
15 paper"?

16 A To catalogue, index, staff -- particular
17 items, documents to individuals in the office who
18 might be able to deal with it, and in some cases to
19 draft responses to some of these items depending on
20 who might be available or whether there was any help
21 needed in handling that.

22 Q With whom did you work most closely in the

22

1 counsel's office?

2 A If you would clarify that a little bit.
3 Whom did I have a supervisorial relationship with?

4 Q To whom did you directly report?

5 A To Bernie Nussbaum.

6 Q You worked directly for him?

7 A Yes.

8 Q Was he the person with whom you consulted
9 on any decisions you had to make about where to route
10 paper?

11 A Yes.

12 Q Did you have access to the safes in his
13 office?

14 A Between the time of June to August?

15 Q Yes.

16 A No.

17 Q Did there come a time you got access to
18 that?

19 A Yes.

20 Q When was that?

21 A I don't specifically recall, but there was
22 not, to my knowledge, a conscious decision made to

1 keep me from getting access. It was just that I
2 didn't have the combination and I didn't have the
3 occasion to go into the safe.

4 Q Was there a point you were given the
5 combination?

6 A Yes.

7 Q When was that?

8 A I don't remember.

9 Q Was it in 1993?

10 A I don't remember.

11 Q Was it when Nussbaum was still counsel?

12 A I don't specifically remember.

13 Q Did you work closely with Mr. Foster?

14 A Yes.

15 Q Did he have a safe in his office?

16 A Not to my knowledge.

17 Q What were your general hours, again during
18 the period from June 16th to the end of August?

19 A I would say I would get in sometime between
20 8:00 and 9:00 in the morning and leave sometime
21 between 7:00 and 9:00 at night.

22 Q Are you familiar with the fact that there

24

1 was a request for documents by this committee on or
2 about June 2nd of this year in connection with this
3 investigation that was directed to the White House?

4 A To be honest with you, I'm not sure if I'm
5 specifically familiar with that request.

6 Q Were you involved in searching for
7 documents to respond to a Senate request directed to
8 the White House counsel's office this year?

9 A Since I'm working at the DOJ, I don't see
10 how I would have been.

11 Q I'm just asking whether you were called
12 over to assist in any way in responding to the
13 request.

14 A No.

15 Q So the answer is you were not involved?

16 A I have not been contacted by the White
17 House to assist in their production of any documents
18 in June of 1995.

19 Q Now, in 1994, you were still at the White
20 House, right, in the summer?

21 A Yes.

22 Q Were you involved in responding to a

1 Banking Committee Whitewater request for documents
2 during the summer of 1994?

3 A Yes.

4 Q What was your involvement in that?

5 A Just by point of clarification. Was this a
6 request for the entire White House staff to
7 produce -- what was the scope of the request?

8 Q To refresh your memory, this was a request
9 that was directed to the White House to produce
10 certain documents that were connected to Vincent
11 Foster's death and to the handling of the documents
12 in his office after his death.

13 A Okay. What I would like to say is that
14 there were several requests for production during
15 that year between, I would say, January and the
16 middle to late summer. I believe that I was involved
17 in each one of those productions in some capacity.

18 Q What was the nature of your involvement?

19 A During which --

20 Q Well, was your involvement different in
21 different productions?

22 A Yes.

1 Q What about with respect to the Senate
2 production? What was the nature of your involvement
3 in that?

4 A I don't specifically recall the Senate
5 production because there were other productions that
6 happened roughly at about the same time, so I don't
7 know that I could distinguish that readily between
8 the Senate production and another production which
9 might have happened also in the summer.

10 Q Without distinguishing among productions,
11 then, can you tell us what were the different kinds
12 of things you did during the course of that year in
13 connection with the production of documents in
14 response to these requests.

15 A I mean, it could be anything from actually
16 going in and copying documents that had been
17 produced, to searching my own files for documents
18 that might be responsive, to helping out in the
19 cataloguing and indexing of these documents, helping
20 out in the redaction of these documents and helping
21 to ensure that everybody in the White House had
22 responded in some way, either affirmatively or

1 negatively, as to whether they had responsive
2 documents in their possession.

3 Q Did you have a personal file which
4 contained documents that were responsive to any of
5 the requests that occurred in 1994?

6 A Yes.

7 Q What was in that personal file?

8 THE WITNESS: Chris?

9 MR. TODD: May we take a break?

10 MR. CHERTOFF: Sure.

11 (Recess.)

12 MR. TODD: Please reread the question.

13 (The reporter read the record as requested.)

14 THE WITNESS: Could we go back and reread
15 the part about specifically what personal file that
16 was.

17 (The reporter read the record as requested.)

18 THE WITNESS: I made available to the White
19 House counsel's office documents that were in
20 personal files which I felt were responsive to the
21 different requests for documents, and among those
22 files, there were memos on the chain of custody of

1 certain documents. There were even news clippings
2 about the investigation, the Foster investigation.

3 BY MR. CHERTOFF:

4 Q Were there notes?

5 A I can't recall specifically.

6 Q Anything else you can recall?

7 A No, not at this time.

8 Q And you turned all that over to somebody
9 who was the repository for responding to requests for
10 documents directed to the White House counsel's
11 office?

12 A I gave that to somebody who was responsible
13 for reviewing the contents to determine whether or
14 not they were responsive.

15 Q And who was that person?

16 A It was a different person for different
17 productions. At one point it was Marvin Krislov, and
18 I'm not really sure who was the point person in the
19 previous production. But at various points I think
20 that perhaps Cheryl Mills might have served as a
21 repository, either alone or in conjunction with other
22 people.

1 Q Is there anything that you believed to be
2 responsive to any of these requests that you did not
3 produce to the person who was making that review?

4 A No.

5 Q Have you spoken to anybody other than your
6 attorneys about this deposition before appearing here
7 today?

8 A No.

9 Q Have you talked to anybody who has
10 previously testified before this committee concerning
11 their testimony?

12 A No.

13 Q Now, in July 1993, were you being paid?

14 A Yes.

15 Q What was your salary?

16 A July 1993?

17 Q Yes.

18 A My starting salary was \$23,000.

19 Q Other than Mr. Foster and Mr. Nussbaum, who
20 else shared the suite in the west wing in which you
21 were situated?

22 A There was Betsy Pond, Mr. Nussbaum's

30

1 executive assistant. There was Linda Tripp, his
2 correspondence aide; Deborah Gorham, Mr. Foster's
3 executive assistant. And throughout the summer we
4 had a nonpaid volunteer, Marlene MacDonald.

5 Q Like an intern?

6 A Yes.

7 Q What was the division of labor among the
8 four of you in that central area -- actually, the
9 five of you with the intern -- in terms of how things
10 were handled, correspondence?

11 A Roughly, Ms. Pond was in charge of Bernie's
12 scheduling. Deborah Gorham handled Vince Foster's --
13 most of Vince Foster's work and any support that he
14 might need. Ms. Tripp handled any personal
15 correspondence items. And I handled most of the
16 official documents. And Ms. MacDonald worked on spot
17 projects. There was really no well defined role at
18 that point for her.

19 Q Did you file documents sometimes?

20 A Can you tell me what you mean by "file"?

21 Q Physically file documents.

22 A Yes.

- 1 Q Did you help people organize files?
2 A I maintained the files in the White House
3 west wing suite.
4 Q Did that include the files in
5 Mr. Nussbaum's office and the files in Mr. Foster's
6 personal office?
7 A No.
8 Q Just in the common area?
9 A Right.
10 Q Who maintained the files in Mr. Foster's
11 personal office?
12 A I don't know.
13 Q You have no idea?
14 A Well, I can draw an inference, but I don't
15 know.
16 Q What is the inference?
17 A The inference is that it was Mr. Foster
18 with Deb Gorham.
19 Q Did Ms. Pond have any involvement in that?
20 A No.
21 Q Did you ever answer the phone?
22 A Yes, occasionally.
-

- 1 Q Who kept Mr. Foster's appointment calendar?
2 A Deborah Gorham.
3 Q Did she have a calendar that was on her
4 desk that reflected his appointments?
5 A I believe that most of his appointments
6 were actually kept on a calendar on a computer.
7 Q What about phone messages? How were those
8 kept in the suite?
9 A Phone messages to Mr. Foster were
10 Ms. Gorham's responsibility. They were given to her
11 if anybody else took a message for Mr. Foster. And
12 messages to Mr. Nussbaum were likewise tasked to
13 Ms. Pond.
14 Q Focusing on Mr. Foster, did he keep his
15 messages on slips of paper or were they kept in some
16 kind of a bound book?
17 A It might have been a combination of both,
18 but I don't know definitively.
19 Q Were his messages kept electronically on
20 the computer?
21 A I don't know.
22 Q Do you know whether there was a record of

- 1 his correspondence that was kept electronically on
2 the computer?
- 3 A No, I don't.
- 4 Q How many telephone lines did Mr. Foster
5 have that led into his office?
- 6 A Well, there was one line and there were
7 maybe one or two rollover lines.
- 8 Q Did he have a private line?
- 9 A I don't remember.
- 10 Q Were you ever in his office, Mr. Foster's
11 office, when he occupied it?
- 12 A Yes.
- 13 Q In what condition did he generally keep it
14 in terms of neatness?
- 15 A Generally it was clean or --
- 16 Q Can you describe just generally the layout
17 of the office at the time he occupied it?
- 18 A I'm sorry? I didn't hear your question.
- 19 Q Can you describe generally the layout of
20 his office at the time that he occupied it?
- 21 A Yes. The desk faced the door. There was a
22 small couch on the opposite side of the room from the
-

- 1 desk. There was a cabinet on the left-hand side
2 where he had a computer terminal. There were also
3 file cabinets on either side of the desk. There was
4 a coffee table in front of the small couch. And if
5 you are facing -- if you are sitting at the desk,
6 there was a chair, an armchair to the left of the
7 coffee table. And I don't recall if there were any
8 additional chairs in the room. But it is a small
9 office.
- 10 Q Could you see the desk directly from
11 outside in the common area?
- 12 A No.
- 13 Q What obstructed the view?
- 14 A The layout of the room is such that you
15 have to walk directly in, but then you have to
16 quickly turn to the left in order to face the larger
17 area of the room.
- 18 Q And that would be where the desk is?
- 19 A Right.
- 20 Q As you take your step in, what is facing
21 you, immediately in front of you?
- 22 A There was a wooden -- I'm not sure if I

1 would describe it as a table. There was a wooden
2 piece of furniture there. It was probably more like
3 a storage drawer. And possibly a mirror, but I'm not
4 sure.

5 Q From where you sat in the common area,
6 could you see the entrance to his private office?

7 A Yes.

8 Q Was it possible to get into his private
9 office without going through the common area?

10 A No.

11 Q Was there any other door leading to his
12 office but the one through the common area?

13 A No.

14 Q Who sat closest to the entrance to
15 Mr. Foster's private office among the people in the
16 common area?

17 A Betsy Pond.

18 Q Where did you sit relative to the entrance
19 to Vincent Foster's office?

20 A I was furthest from that side of the room
21 and to the left. So, quite possibly if you measured
22 it along a straight line, I was the furthest from

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1 that door.

2 Q Did you find Mr. Foster easy to work with?

3 A Yes.

4 Q Did you find Mr. Nussbaum easy to work
5 with?

6 A Yes.

7 Q Did you have occasion in your dealing with
8 Mr. Foster and your work with him to become familiar
9 with some of the matters he was working on?

10 A Yes.

11 Q Did you become familiar with his files?

12 A Not intimately.

13 Q Do you know generally where he kept his
14 files in the various pieces of furniture in the
15 office?

16 A Yes, although I would qualify that by
17 saying that most of my familiarity is based on my
18 experience after his death as opposed to before.

19 Q Let me focus on the period before his
20 death. Did he keep all of his working files in his
21 private office or did he keep some of them in the
22 common area?

1 A He kept the majority of them, I would say,
2 in the common area.

3 Q What were the categories of things he kept
4 in his private office?

5 A Are we still talking about my knowledge
6 based on that month when I worked with him?

7 Q Yes. Let's limit it to that at this
8 point.

9 A I think that --

10 MR. TODD: Pardon me, Michael, for the
11 interruption. May I get a clarification with regard
12 to the scope of the waiver of the privilege by the
13 White House regarding matters that Mr. Foster was
14 working on obviously prior to July 20, 1993?

15 Because it is my understanding that while
16 there has been a waiver as to certain matters, the
17 substance and content of matters on which he was
18 working generally has not been waived.

19 MR. CHERTOFF: I don't think we have
20 discussed it in the context of the question. I
21 haven't yet asked for specific documents. I don't
22 think my asking for categories of things implicates

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1 that. But if there comes a point that you want to
2 call the White House and get guidance as to what
3 position to take --

4 MR. TODD: For example, I want to honor
5 what he has to do, obviously, but honor the lack of
6 waiver of the privilege as to certain matters. What
7 I don't have clear in my mind is, for example, if
8 Mr. Foster were working on the X, Y, Z project and he
9 knows about that, whether the revelation by him that
10 he recalls that Mr. Foster was working on X, Y, Z, if
11 that is something that the White House has not waived
12 the privilege.

13 MR. CHERTOFF: I don't think I can answer
14 that. I don't think I know the answer. I mean, I
15 think that it is not my intention to get into
16 specific -- I may ask for categories at this point in
17 terms of official things, generic categories like
18 issues like nominations would be one category,
19 something like that.

20 There is one specific area I might inquire
21 into regarding some personal and financial things
22 involving the first family and his working on that.

1 If you feel you need guidance when we get to that,
2 maybe you will want to ask for that guidance.

3 Can I have my last question.

4 (The reporter read the record as requested.)

5 THE WITNESS: Suits that were brought
6 against the President or the First Lady or both,
7 financial disclosure of the White House staff,
8 including the President and the First Lady and other
9 general policy issues that might have a legal nexus.

10 BY MR. CHERTOFF:

11 Q If someone wanted to retrieve a file from
12 Mr. Foster's office in his absence, who knew -- let
13 me withdraw the question.

14 If someone wanted to retrieve a file from
15 Mr. Foster's office, who was authorized to enter his
16 office in his absence?

17 MR. KRAVITZ: Just so it is clear, you mean
18 before his death?

19 MR. CHERTOFF: Yes, before his death.

20 THE WITNESS: I think that all of us were
21 authorized to go in there and retrieve the file. I
22 don't think that there was a bar.

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1 BY MR. CHERTOFF:

2 Q Who was familiar enough with his filing
3 system in his office to be able to retrieve a
4 document from that office if he was not around?

5 A I would say that among the people who
6 worked this that suite of offices, Deborah Gorham
7 would have been the most intimately familiar with
8 those files in his absence.

9 Q Were you also familiar with his files?

10 A I wouldn't say that I was intimately
11 familiar with them.

12 Q Again, before he died, did you ever go in
13 to retrieve something in his absence from his office?

14 A Not in my memory.

15 Q Did you help him maintain the files inside
16 his own office?

17 A No.

18 Q Was there an index of the particular file
19 drawers in his cabinet?

20 A I don't believe that at that time I had any
21 knowledge of such an index. I later found out that
22 there was.

1 Q At that time, again before he died, did you
2 ever see an index on Deborah Gorham's desk or in her
3 desk that would relate to the files in his office?

4 A I don't have a specific memory of ever
5 having seen that index during that period of time.

6 Q Did there come a time you learned there was
7 an index to his files?

8 A Yes.

9 Q When did you learn that?

10 A I would say sometime before November of
11 1993.

12 Q How did you learn it?

13 A I was given an index of files that were in
14 Mr. Foster's inner office.

15 Q Who gave you the index?

16 A I don't recall.

17 Q Was it his secretary or his executive
18 assistant?

19 A I don't know who it was.

20 Q Do you know how that index that you were
21 given later in 1993 was prepared?

22 A Not from firsthand knowledge. My

1 understanding is that it was generated by Deborah
2 Gorham as an ongoing list of files that Mr. Foster
3 maintained in his inner office.

4 Q So, it was your understanding it was
5 something she prepared in the ordinary course when he
6 was using the office rather than something that was
7 prepared specifically to give to you?

8 A That's right.

9 Q Are you familiar with the alarm system that
10 existed in the counsel's suite in July of 1993?

11 A Yes.

12 Q How did it work?

13 A To arm or disarm, I guess what you would
14 do -- let's start in terms of disarming, just because
15 that's what you do in the beginning of the day. You
16 would walk in to the suite, go into the deputy
17 counsel's office, flip the switch to the position
18 indicating that it was disarmed, call the command
19 center, tell them who you were and that you were
20 calling from the counsel's office and that you had
21 disarmed the system. The procedure was the reverse
22 when you armed the system.

1 Q When you say it was the reverse, what would
2 you do?

3 A Well, you would call -- I think really it
4 didn't matter whether you called before or after.
5 So, in other words, you would flip the switch in the
6 other direction. You would call and say that you
7 were sealing the office and give your name, and that
8 would be enough. And you would lock the door, of
9 course, to the outside.

10 Q During the period you were there, from
11 mid-June to the end of July 1993, who was generally
12 the last person to leave the suite at night?

13 A Generally speaking, it was Bernie
14 Nussbaum.

15 Q When would you usually leave?

16 A Sometime between 7:00 and 9:00, but it
17 really could fluctuate. It generally didn't
18 fluctuate on the earlier side. It could run over
19 9:00.

20 Q At the time that you left, who was usually
21 left in the suite?

22 A Usually it was Bernie and possibly Betsy

1 Pond.

2 Q When did Mr. Foster generally leave?

3 A He left between 7:00 and 9:00, generally
4 speaking, earlier than Mr. Nussbaum.

5 Q Who was generally the first person in the
6 suite?

7 A I believe it was Bernie.

8 Q And when did you usually come in?

9 A Between 8:00 and 9:00.

10 Q Were there during the period June and July
11 1993 people other than those who were part of the
12 counsel's office who were regular visitors to the
13 counsel's suite in the west wing?

14 A Yes.

15 Q Who were those people?

16 A I would say they would be the people who
17 worked in the policy offices in the west wing, Howard
18 Pastor from legislative affairs, Marsha Scott. I
19 believe she was in presidential correspondence at
20 that point. Craig Livingstone from the security
21 office. Maybe Alexis Herman at some point.

22 Q Who was she?

1 A I believe she was the head of the office of
2 cabinet affairs. I would say that those were
3 probably the people who had the most frequency in
4 terms of --

5 Q What was Mr. Livingstone's business at the
6 counsel's office?

7 A Well, I think that he worked for us. He
8 was the director of security and the counsel's
9 office, I believe, serves as an umbrella to that
10 office.

11 Q He had a reporting relationship to
12 Mr. Nussbaum?

13 A Yes, although I think that he more directly
14 reported to Mr. Kennedy.

15 Q Was Mr. Kennedy the person in the counsel's
16 office who had the security portfolio?

17 MR. TODD: Objection to the form. If you
18 understand "security portfolio."

19 BY MR. CHERTOFF:

20 Q The responsibility for security matters.

21 A He supervised Mr. Livingstone. In that
22 capacity, that was my understanding, that insofar as

1 he supervised Mr. Livingstone, that that was part of
2 his assignment.

3 Q Where was Mr. Kennedy's office physically
4 located?

5 A In the Old Executive Office Building.

6 Q Do you remember, between June 16th and
7 until the day before Mr. Foster's death, ever meeting
8 Maggie Williams?

9 A I don't have a specific recollection of
10 when I first met Maggie Williams.

11 Q During that period of time before
12 Mr. Foster's death, did you see her in the counsel's
13 office?

14 A I don't specifically remember.

15 Q Did you see Patsy Thomasson in the
16 counsel's office between the time of you joining the
17 counsel's office and the day before Mr. Foster's
18 death?

19 A I don't specifically remember that either.

20 Q Do you have any recollection of it?

21 A No. I mean, I could say generally I have a
22 feeling as to whether or not she might have gone in.

1 Q What is your feeling?

2 A My feeling is that, with regard to Patsy
3 Thomasson, that I don't know. I honestly don't
4 remember.

5 With regard to Ms. Williams, it is
6 possible.

7 Q Neither of them were regular visitors,
8 though, in that month; correct?

9 A Based on my --

10 MR. TODD: Objection to the form. If you
11 understand "regular," then please answer it.

12 THE WITNESS: Could you please define
13 "regular."

14 BY MR. CHERTOFF:

15 Q Neither of them visited with the frequency
16 of once a week or more; is that fair to say?

17 A Yes.

18 Q Did Mr. Foster have voice mail?

19 A No.

20 Q Did you ever log on to his computer?

21 A No.

22 Q Did you know his password?

1 A No.

2 Q Who had access to his password?

3 A I don't know.

4 Q Do you know if Ms. Gorham had access to it?

5 A No.

6 Q Do you know where he kept his computer
7 disks?

8 A No.

9 Q Who had the combinations to the safes in
10 Mr. Nussbaum's office?

11 A During that time period?

12 Q Uh-huh.

13 MR. KRAVITZ: Which time period?

14 MR. CHERTOFF: June, up until the date
15 before Mr. Foster's death.

16 THE WITNESS: I could draw an inference.

17 BY MR. CHERTOFF:

18 Q What is your inference?

19 A My inference is that Ms. Gorham and
20 Ms. Pond had the combination.

21 Q Did you ever see them putting things in or
22 removing things from either of those safes?

1 A Not between June 16th and July 20th.

2 Q Do you know where Mr. Foster kept his
3 material that required being kept in a safe?

4 A No, I don't have any firsthand knowledge of
5 that.

6 Q Do you have any second- or thirdhand
7 knowledge?

8 A My inference would be that he probably
9 would keep it in the same safe as Bernie, since, to
10 my knowledge, he didn't have a separate safe.

11 Q Other than the safes, were there any locked
12 cabinets or secure cabinets in Mr. Foster's office?

13 A Are you asking me whether the cabinets that
14 were in Mr. Foster's office were locked as a matter
15 of course?

16 Q Let me ask you first whether they were
17 capable of being locked.

18 A I don't specifically remember, but I am
19 inclined to say that yes, they were capable of being
20 locked.

21 Q Were there any particular cabinets that he
22 kept locked, Mr. Foster?

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1 A I don't remember.

2 Q Did he have a wastebasket in his office?

3 A I don't remember specifically.

4 Q Did he have a burn bag?

5 A I don't specifically remember that either.

6 Q Do you remember the suite having burn bags?

7 A Yes.

8 Q What is a burn bag?

9 A A burn bag is a bag that looks like a
10 normal grocery bag except that it is perhaps a little
11 bit larger, a paper bag. It is marked by having
12 orange and white stripes on a diagonal print across
13 the bag.

14 Q What was the practice regarding use of burn
15 bags in the counsel's office in June and July of
16 1993?

17 A Could you be more specific about what you
18 mean by "practice."

19 Q What kind of material was supposed to be
20 put in a burn bag?

21 A Any material that would have had any
22 advisory function that was not a final, any material

1 that would have had any personal information
2 regarding anybody who worked at the White House or
3 anybody else. That was a pretty broad scope. In
4 other words, any material that you might consider
5 sensitive, to read it broadly.

6 Q Is it fair to say that most of the paper
7 that was disposed of during the course of the day was
8 put in burn bags rather than regular trash?

9 A I don't know whether I could categorize it
10 that way, because there was a lot of paper that went
11 through the counsel's office that was not of such a
12 sensitive nature. In general, if it was generated
13 within the White House and it had to be disposed of,
14 it went into a burn bag.

15 Q How many times a day were burn bags removed
16 from the counsel's suite?

17 A At least once.

18 Q When was that?

19 A I don't specifically remember the time of
20 day.

21 Q Was it usually when you were still there?

22 A Yes.

1 Q Who would do the removal?

2 A The Secret Service.

3 Q And was it at the time that the cleaning
4 ladies came along to do the cleanup?

5 A I don't believe so.

6 Q Who removed the regular trash?

7 A I believe it was the maintenance crew.

8 Q And were you ever there when they removed
9 the trash?

10 A At least once.

11 Q When was that?

12 A I don't remember specifically.

13 Q What was your understanding of how burn
14 bags were handled once they were removed from the
15 suite?

16 A I didn't have much of a comprehensive
17 understanding. My understanding was that the
18 documents were disposed of in some way that would
19 preclude anybody from reexamining those documents.

20 Q During the period of time from June 16,
21 when you came on in the counsel's office, let's say
22 through July 19th of 1993, were you aware that

1 Vincent Foster was working on the Clintons' personal
2 financial matters, including taxes?

3 A I would respond that I was aware that he
4 was working on those matters which I mentioned
5 earlier and that insofar as they may include any
6 financial documents, that he may have had occasion to
7 review them.

8 Q During that period of time, where did he
9 keep the Clintons' personal financial documents in
10 his office?

11 A Can you clarify for me what you mean?

12 Q Did he have a particular drawer he kept the
13 Clintons' -- the first family's personal financial
14 documents in?

15 A Well, the clarification actually has more
16 to do with what you mean by "personal financial
17 documents."

18 Q Tax returns, personal disclosure
19 statements, blind trust documents.

20 A I don't know specifically where he kept
21 them, or I do not remember where he kept them, and I
22 don't think that at that point in time I knew where

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1 he stored those documents.

2 Q Again focusing your attention on what you
3 knew before July 19th, do you know whether Mr. Foster
4 was involved in working on something called
5 Whitewater?

6 A Ask me the question again, please.

7 Q Before July 19th, did you know that
8 Mr. Foster was working on something called
9 Whitewater?

10 A No.

11 Q Had you heard the name or the word
12 "Whitewater" before July 19th, 1993?

13 A To the best of my recollection, I had not.

14 Q Had you heard Madison Guaranty before July
15 19, 1993?

16 A I don't recall.

17 Q Did you hear any discussion involving
18 Mr. Foster before July 19, 1993 in which the terms
19 "Whitewater" or "Madison Guaranty" were part of the
20 discussion?

21 A No, I didn't hear a discussion related to
22 that. What I should say, however, is that there is a

1 document that I believe has been produced to the
2 Senate which was a letter from Senator Bumpers in
3 which he refers to RTC actions related to Madison
4 Guaranty.

5 Q That has to do with the Rose Law Firm?

6 A I am not sure, and I don't believe that.

7 Q Did it have to do with a man by the name of
8 Seth Ward?

9 A Yes.

10 Q Was Seth Ward related to a man by the name
11 of Webster Hubbell?

12 A I don't recall.

13 MR. TODD: Do you understand what he means
14 by "related"?

15 BY MR. CHERTOFF:

16 Q By blood or marriage.

17 A My understanding is that there was some
18 familial relationship.

19 Q What was your understanding of what this
20 correspondence related to?

21 A At that time?

22 Q Yes.

1 A I don't think I had a very deep
2 understanding about what the correspondence related
3 to. I think at that point I just saw it as a
4 regulatory matter.

5 Q Did it come into your hands first?

6 A I don't recall.

7 Q Did it originally get routed to Mr. Foster?

8 A I'm not sure who originally saw the
9 document. I know that I brought the document to
10 Mr. Foster's attention at some point.

11 Q Why?

12 A Because I didn't know what to do with it.

13 Q Why didn't you bring it to Mr. Nussbaum's
14 attention?

15 A Because I generally went to Vince before I
16 went to Bernie.

17 Q Why?

18 A Because I didn't elevate an issue to Bernie
19 unless I felt that somebody else could not handle
20 it.

21 Q What did Mr. Foster say to you when you
22 showed him this document involving Seth Ward?

1 A He asked me to refer it to somebody else
2 because he had to recuse himself from it.

3 Q Did he explain why?

4 A No.

5 Q Did he hold the document for a period of
6 time before he asked you to refer it?

7 A I believe he read it.

8 Q Did he keep it more than a few minutes?

9 A I don't remember.

10 Q Did he make any notations on it?

11 A Not to the best of my recollection.

12 Q Did he later prepare a memo indicating that
13 he was recusing himself?

14 A I don't recall specifically whether he did
15 or not.

16 Q Did he ever explain or did you ever hear an
17 explanation of why he had recused himself?

18 A I don't specifically remember.

19 Q Do you have a general recollection?

20 A My general recollection is that he did
21 prepare a document recusing himself from a matter,
22 and I'm not sure whether this was the same matter or

1 not. But I don't remember what the rationale behind
2 the recusal was. I didn't pay a great deal of
3 attention to it at that point in time.

4 Q What do you remember about the document?

5 A The physical characteristics of the
6 document?

7 Q Yes.

8 A I believe that it was a two-page letter and
9 it had enclosures, one of which was on letterhead,
10 personal letterhead from Seth Ward. Quite possibly
11 there was another enclosure, also on letterhead from
12 Seth Ward. But apart from that, I don't remember
13 much else.

14 Q So you do remember that this had to do with
15 Seth Ward?

16 A Yes.

17 Q Did the subject of Capital Management
18 Services come up, in the period before Mr. Foster
19 died, at the White House counsel's office?

20 A I don't have a recollection of that.

21 Q What about David Hale?

22 A I don't have a recollection of that

1 either.

2 Q Did you ever have occasion, before
3 Mr. Foster died, to look inside his file drawers in
4 his personal office?

5 A I don't remember.

6 Q Did you know at that point in time whether
7 he kept an index or whether a copy of Ms. Gorham's
8 index was kept in each of the file drawers?

9 A Can you repeat the question, please.

10 Q Did you know, again at that period of time,
11 whether a copy of Ms. Gorham's file index was kept in
12 each of the file drawers of Mr. Foster's office?

13 A No.

14 Q Did you ever learn whether Ms. Gorham kept
15 a copy of her index in the file drawers in
16 Mr. Foster's office?

17 A No.

18 Q To your knowledge, to this date, do you
19 know whether there was an index prepared by
20 Ms. Gorham that was kept in any of the file drawers
21 in Mr. Foster's office?

22 A I don't specifically remember. My general

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1 recollection is that an index was kept at least in
2 one drawer, and I'm not sure whether that was in
3 Mr. Foster's office.

4 Q What index was that?

5 A The index that you have been describing, of
6 the contents of Mr. Foster's personal files or the
7 files in his inner office.

8 Q But that would be an index to the entire
9 office; correct?

10 A I don't recall what the scope of the index
11 was.

12 Q You don't remember an index about
13 particular drawers -- indexes located in particular
14 drawers?

15 A No.

16 Q Were you working on July 20, 1993?

17 A Yes.

18 Q Were you in the office when Mr. Foster
19 left?

20 A Yes.

21 Q When did you leave that night?

22 A I don't remember.

1 Q Well, do you remember, were there efforts
2 made to locate Mr. Foster during the afternoon of
3 July 20th?

4 A Yes.

5 Q What were those efforts?

6 A He was paged at least once.

7 Q Who paged him?

8 A Betsy Pond paged him from our office.

9 Q Do you know what kind of pager he had?

10 A I believe it was just a Motorola Bravo
11 style.

12 Q What was the response when he failed to
13 return the page?

14 A I believe he was paged again, but I don't
15 specifically remember seeing that happen.

16 Q Was there discussion in the suite about why
17 he was not responding to pages?

18 A Well, the question was raised. I don't
19 know that there was a discussion about where he might
20 be or what he might be doing at that time.

21 Q Who raised it? Who raised the question?

22 A No, I said that I did not know that that

1 had been raised.

2 Q Who was looking for Mr. Foster at that
3 point? Do you know?

4 A I believe his wife called in twice. Apart
5 from that, I don't really remember any other phone
6 calls he might have received.

7 Q Did Ms. Gorham leave earlier than usual
8 that day?

9 A I don't remember.

10 Q What do you remember doing that afternoon?

11 A I think I just worked on routine matters.
12 There was nothing that I can recall being a
13 distinguishing mark in that afternoon.

14 Q Did you leave before or after Mr. Nussbaum
15 left?

16 A I don't remember.

17 Q Do you remember setting the alarm when you
18 left?

19 A No.

20 Q During your experience at the White House
21 when you were in the counsel's suite, did you ever
22 have the experience in which you set the alarm and

1 called down to say you were leaving and then wound up
2 not leaving for some period of time thereafter?

3 A I don't specifically remember that, but my
4 general inclination was not to call down until I was
5 sure that I was leaving.

6 Q Can you remember any instances in which you
7 called down to leave and then something detained you
8 at the last minute, a phone call or something like
9 that?

10 A Between June 16th or July 20th?

11 Q At any point in time. Ever.

12 A Yes.

13 Q What happened to the alarm system when that
14 situation occurred?

15 A Well, I was never detained, as far as I
16 know, long enough to have the alarm go off or have
17 somebody come down as a result of the alarm going
18 off. The only times that I can recall in my entire
19 experience having to go back in was when I left my
20 keys in there accidentally. I'm not exactly sure how
21 that could have happened because I would have needed
22 them to lock the -- but it did happen once.

1 Q Can you think of any instance in which you
2 stayed -- in which you set the alarm, called down,
3 wound up getting detained and then you had the alarm
4 going off and you later learned it was ringing
5 because you were in the suite?

6 A No.

7 Q It is a silent alarm inside the suite;
8 correct?

9 A I have no idea. I have never heard it.

10 Q How did you first learn of Vincent Foster's
11 death?

12 A Betsy Pond called me sometime between 5:30
13 in the morning and 6:30 on what I believe is July
14 21st, if that was the Wednesday.

15 Q That's the Wednesday.

16 A And she told me.

17 Q What did she ask you to do, if anything?

18 A The only thing she asked me to do was to
19 come into the office and basically be as composed as
20 possible.

21 Q Did she indicate to you on the telephone
22 that she wanted you to do anything in particular in

1 connection with what might happen that day?

2 A No.

3 Q What time did you get in?

4 A I'm not sure exactly what time it was. I
5 believe it was early, possibly 8:00 or maybe just a
6 little bit before 8:00.

7 Q At the time you had your conversation with
8 Ms. Pond, was there any discussion about whether
9 Mr. Foster's office would be sealed or whether there
10 would be any restriction of the freedom of movement
11 within the suite?

12 A No. This was not a long conversation, and
13 it didn't involve a discussion of the logistics of
14 the office.

15 Q When you got in to the suite approximately
16 8:00 a.m., who was there?

17 A The people whom I saw when I walked in were
18 Betsy Pond, Deborah Gorham, Linda Tripp. I'm not
19 sure whether or not Marlene MacDonald was there. And
20 I believe Bernie Nussbaum was there.

21 Q Was there anybody from Secret Service
22 there?

1 A I don't think so.

2 Q What was the discussion when you walked in?

3 A I think that the discussion immediately was
4 just more on a personal level to make sure that
5 everybody was feeling okay. I think that there was
6 at some point a general discussion about us waiting
7 for the Secret Service to come up and seal the
8 office.

9 Q Was the office door closed, Mr. Foster's
10 office door?

11 A My best recollection is that it was.

12 Q Do you know whether it was locked?

13 A No, I don't, but my general sense is that
14 it wasn't locked.

15 Q Where do you get that sense from?

16 A I'm not sure that there was a lock to that
17 particular door that we had keys made to. I mean, it
18 is possible. But it was just not used in practice.

19 Q Do you know whether Mr. Foster's door was
20 closed when you left the night before?

21 A I would have -- the general practice was
22 that both doors to the personal offices were not

1 closed when we left the office.

2 Q So, you come in in the morning,
3 Mr. Nussbaum is there and the other personnel from
4 the suite are there. Your testimony is you were
5 awaiting the arrival of Secret Service; is that
6 correct?

7 A Yes.

8 Q What happened next? What did you see or
9 what did you do?

10 A I believe that I logged on to my computer
11 and I tried to take care of some minor items of
12 pending business. There may have been staff members
13 who came in, other attorneys from the office who came
14 in, who commiserated. And generally speaking, I
15 think that we all were just waiting for the Secret,
16 Service in terms of what sticks out in my mind in
17 that time period.

18 Q Do you remember when the Secret Service
19 came?

20 A Well, the Secret Service sent somebody up
21 not long thereafter. But it took them some time to
22 try to get the equipment to actually seal the

1 office.

2 Q What equipment was that?

3 A Well, I think that they needed to get a
4 locksmith and they needed to get additional locks. I
5 don't know exactly what the logistics were, but there
6 was a problem in terms of getting them to come up
7 expeditiously.

8 Q From the time the Secret Service came up,
9 was there some Secret Service agent there even before
10 the lock equipment arrived up there?

11 A Yes.

12 Q And from that point on, was that Secret
13 Service agent there continuously until the lock
14 equipment came up?

15 A To the best of my recollection, yes.

16 Q Were you there between the time you
17 first -- were you in the office continuously between
18 the time you first arrived at about 8:00 a.m. and the
19 time the Secret Service agent arrived?

20 A I don't remember.

21 Q Did you go out to visit another office?

22 A I don't remember.

1 Q Is there anything particular you had to do
2 that morning that took you out of the suite?

3 A Not to the best of my recollection.

4 Q So, your best recollection is that you did
5 stay there?

6 A My best recollection is that nothing took
7 me out of the office.

8 Q Other than other members of the White House
9 counsel's office and other staff connected with that
10 office, were there other White House personnel who
11 entered the suite between the time you arrived and
12 the time the Secret Service arrived?

13 A Yes.

14 Q Who?

15 A I believe Mack McLarty came in at one
16 point. Craig Livingstone came in at one point. And
17 members of the Secret Service, none of which I knew
18 individually or could name.

19 Q Other than the Secret Service, the only two
20 people you remember coming in between 8:00 a.m. and
21 the time you arrived -- and the time the Secret
22 Service arrived, rather, were Mr. McLarty and

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1 Mr. Livingstone?

2 A Those are the only two people whom I have a
3 specific recollection of being White House staff
4 members who came into the office.

5 Q Other than White House counsel people?

6 A That's right.

7 Q Is there anybody who wasn't a White House
8 person who came into the office during that period of
9 time?

10 A I don't specifically recall, but it is
11 possible that Web Hubbell may have shown up.

12 Q What did Mr. McLarty want?

13 A I don't know. I think, actually -- to the
14 best of my recollection, the only business that he
15 conducted while he was there was to talk to Bernie,
16 and the substance of the conversation being more
17 personal than anything else. During the course of
18 this conversation, Mr. Nussbaum did retrieve a
19 photograph from Vince Foster's personal office which
20 was of the President and Vince when they were young,
21 between three and five years old, showed it to Mack
22 and then put it back on the shelf where it had been.

1 Q What did Mr. Livingstone want?

2 A I don't know. My sense is that he was
3 probably there as a result of coordinating with the
4 Secret Service and just in general in the security
5 function.

6 Q Did you go anywhere with Mr. Livingstone on
7 that morning?

8 A Not to the best of my recollection.

9 Q Did you go anywhere with Mr. Livingstone
10 that day?

11 A I don't remember.

12 Q Does that mean you may have and you don't
13 remember or do you have a recollection of not doing
14 so?

15 A I don't have a recollection about it either
16 way.

17 Q Did you help him carry something that day?

18 A I don't have a recollection of it.

19 Q One way or the other?

20 A One way or the other.

21 Q Did you see him carrying something that
22 day?

1 A No, not to the -- I don't have a
2 recollection of having him or seeing him carry
3 anything, one way or the other.

4 Q Have you ever helped him carry something?

5 A I don't remember.

6 Q Do you know anything about what
7 Mr. Livingstone was doing on July 21st?

8 A That being the Wednesday?

9 Q Uh-huh.

10 A Well, I have firsthand knowledge that he
11 was in our office for some period of time. I don't
12 know specifically what his tasks were during that day
13 or what kind of business he conducted.

14 Q Did you see him anywhere else that day?

15 A I don't remember that. I don't know one
16 way or another.

17 Q Did he remove anything or was he carrying
18 anything out of the White House counsel's office when
19 he left?

20 A I don't have a memory of that, but I think
21 that is something I would have remembered. So I
22 don't have any firsthand knowledge of that happening

1 or secondhand knowledge.

2 Q During the period of time between the time
3 you arrived and the time Secret Service showed up,
4 what other discussion was there concerning the way in
5 which the office, Mr. Foster's office was going to be
6 handled?

7 A Well, I believe that the main concern was
8 in the lag time between the time that we had
9 requested that the office be sealed and the time that
10 it actually occurred.

11 Q When was the request made?

12 A I don't remember specifically. It may have
13 even been made before I got there.

14 Q Do you know who made it?

15 A No.

16 Q What gives you the impression that there
17 was concern about the lag time?

18 A Well, I know I was concerned about it, and
19 I know that I expressed it, and I think that other
20 people had expressed that concern as well.

21 Q What steps were taken to hurry up the
22 Secret Service?

1 A I'm not sure. What steps did I personally
2 take?

3 Q What steps did you observe anybody taking?

4 A I don't remember specifically.

5 Q Do you remember generally?

6 A No. I mean, I would say that it is quite
7 possible that somebody may have called down to try to
8 hurry them up or to try to find out why it was that
9 it was taking so long to get up there. But that is
10 more on the basis of inference, because it just
11 sounds like something that would normally have been
12 done.

13 Q Do you remember anybody calling down?

14 A No, not specifically.

15 Q Do you remember Mr. Nussbaum calling down?

16 A No.

17 Q What is your sense of the amount of time
18 that elapsed between your arrival on the scene and
19 the arrival of Secret Service?

20 A Between an hour and 90 minutes.

21 Q During that period of time, was the door to
22 Mr. Foster's office continuously closed?

- 1 A No.
2 Q When did it open?
3 A When Mr. Nussbaum went in to retrieve the
4 photograph that I spoke about.
5 Q And then when he went in again to replace
6 it?
7 A I don't think that it was closed in the
8 interim. It was just a very quick, one to
9 two-minute.
10 Q Did you yourself look inside during that
11 period?
12 A In Mr. Foster's office?
13 Q Yes.
14 A Yes.
15 Q What did you see?
16 A What I would have seen in the normal course
17 of looking in his office. In other words, there was
18 nothing that distinguished it from any other day.
19 Q During the 21st of July, that Wednesday,
20 from the time you arrived in the White House until
21 the time you left, were you in Mr. Foster's office
22 physically yourself?
-

- 1 A Yes.
2 Q When?
3 A I believe I followed Bernie when he
4 retrieved the photograph and when he took it back.
5 Q You went in with Bernie?
6 A I followed him in.
7 Q And then when he took it out to show
8 Mr. McLarty, where did you stay?
9 A I think I followed him into his own
10 office.
11 Q And then -- and that's where he showed it
12 to Mr. McLarty?
13 A Yes.
14 Q When he went to take it back, you followed
15 him back?
16 A I'm not sure.
17 Q Why did you follow him in?
18 A I think I may have known where the
19 photograph was, and he may just have had some general
20 knowledge that there was a photograph in there. So,
21 it is possible that I may have pointed it out, but I
22 don't remember.

- 1 Q So, how long were you in Mr. Foster's
2 office?
3 A No more than half a minute.
4 Q Were any papers in a disorderly position?
5 A Not to the best of my recollection.
6 Q Did you notice whether the trash was empty
7 or full?
8 A No, I didn't.
9 Q Other than that instance on July 21st, were
10 you in his office at any other time, Mr. Foster's
11 office, on that day?
12 A Not to the best of my recollection.
13 Q This is a matter which was very unusual in
14 your experience at the White House; correct?
15 A The experience of Mr. Foster having
16 committed suicide?
17 Q Yes. It was a very unusual experience.
18 A Yes.
19 Q You have been asked about the events
20 surrounding that suicide on many occasions; correct?
21 A Yes.
22 Q So it is something which you have had your

- 1 attention drawn to at a very early point in time and
2 then consistently on many occasions thereafter;
3 correct?
4 A Yes.
5 Q Other than seeing Mr. Nussbaum enter
6 Mr. Foster's office on July 21 and other than you
7 yourself being in with him, who else, if anybody, did
8 you see in Mr. Foster's office on July 21, 1993?
9 A I don't have a recollection of having seen
10 anybody other than Mr. Nussbaum and myself in that
11 office firsthand.
12 Q When you say "firsthand," you mean you
13 didn't personally observe anybody else?
14 A That's right.
15 Q Did you hear from any other source that
16 someone else was in there on July 21st, ever?
17 A I'm sorry? Can you rephrase it.
18 Q Have you ever heard from any other source
19 that another person was in Mr. Foster's office on
20 July 21st, besides yourself and Mr. Nussbaum briefly?
21 A I will say that from Betsy Pond I heard
22 that sometime between the time that Mr. Foster left

1 and the time that the office was sealed the next day,
2 that she had gone in there to straighten certain desk
3 papers out. As to whether that happened specifically
4 on the 20th or the 21st, I don't remember that.

5 Q How did you hear that from Betsy Pond?

6 A I think she told me directly.

7 Q Did she say why she went in to straighten
8 out Mr. Foster's office?

9 A No. She didn't provide any specific
10 reason, and I didn't think it was particularly
11 unusual.

12 Q Had she ever gone in there to straighten it
13 out before?

14 A From the point in time -- this was way
15 after the fact.

16 Q Way after what fact?

17 A The fact that Mr. Foster died that we had
18 this discussion, or at least it seemed to me like it
19 was after the fact. But I didn't see it as something
20 unusual.

21 Q Well, she wasn't Mr. Foster's secretary,
22 was she?

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1 A That's true, but I also called attention to
2 the fact that, generally speaking, everybody in the
3 counsel's office suite had access to the office.

4 Q Wasn't it typically Ms. Gorham who would be
5 in the office straightening up if there had to be
6 papers straightened up?

7 A Typically speaking, that's right. But
8 Ms. Gorham also typically left the office before
9 Betsy did.

10 Q Was it your impression that Betsy Pond had
11 been in the evening before on the 20th?

12 A Was it my impression then?

13 Q Uh-huh.

14 A It is possible that Betsy had been in the
15 evening before, but I don't remember specifically
16 whether she was or not.

17 Q You don't remember what she told you? You
18 don't remember what she told you?

19 A I'm not sure that we ever discussed whether
20 she had been in that evening or not. I think that
21 the extent of our discussion was that she had
22 straightened out these papers, and I don't remember

1 that we talked about the timing.

2 Q Why did this come up?

3 A I don't remember.

4 Q After the Secret Service arrived, did you
5 remain in the suite?

6 A Yes.

7 Q At any point during the day did you leave
8 for a significant period of time, leave the suite?

9 A This is again on the 21st?

10 Q Right.

11 A I don't remember.

12 Q You have no recollection one way or the
13 other?

14 A No.

15 Q What were you doing during that day?

16 A I tried to -- I don't remember specifically
17 what it was that I did, but I think that -- my
18 general inclination was to try to get through the
19 routine part of the day, to keep it from being
20 disrupted as much as possible and to deal with
21 whatever needed to be dealt with incidental to the
22 unusual set of circumstances that we had to deal

1 with. But I don't remember specifically what was
2 entailed in that.

3 Q Did you ever hear whether anybody, putting
4 aside Betsy Pond for one moment, did you ever hear
5 whether anybody had been in Vincent Foster's office
6 the night before, after you and Mr. Nussbaum left?

7 A I have heard varying news accounts as to
8 people who may have been in, but I don't have any
9 firsthand knowledge about it or had any discussions
10 with people about it.

11 Q Other than news accounts, you have no
12 knowledge of such a thing?

13 A That's right.

14 Q Is there a reason you have avoided asking
15 people about it?

16 A I haven't avoided asking people about it.
17 It just hasn't been a conversation topic that I have
18 broached.

19 Q You weren't curious?

20 A No.

21 Q Even after you read news accounts about
22 whether people were in the office on the night of the

1 20th or not, it didn't pique your curiosity?

2 A Yes, it piqued my curiosity at that point
3 but during the time when I feel I would have had the
4 opportunity to ask people, it wouldn't have been as
5 sensitive a topic.

6 Q And after your curiosity was piqued, you
7 didn't feel you had the opportunity to ask them
8 anymore?

9 A I think it would have been inappropriate
10 given that there were investigations underway.

11 Q Do you know Evelyn Lieberman?

12 A Yes, I do.

13 Q How do you know her?

14 A Through my working relationship with the
15 personnel in the First Lady's office.

16 Q What relationship is that?

17 A Well, there were maybe two or three
18 projects where we had to coordinate on various
19 things, but I don't remember specifically what they
20 were.

21 Q Who else did you coordinate with in the
22 First Lady's office there?

1 A At various points in time, Lisa Caputo, Pam
2 Barnett, who was the First Lady's personal assistant,
3 and Maggie Williams.

4 Q And what were the kinds of projects you
5 coordinated with them?

6 A They were not usually White House counsel
7 related projects, or if they were, they were very
8 tangential. But I can't remember specifically.

9 Q You mean they borrowed you for something?

10 A It might have been something like that.

11 There were a couple of projects that we dealt with
12 them on, but I can't remember specifically what they
13 were. It might have had something to do with the
14 productions that we were talking about where I had to
15 inquire whether everybody in their office and make
16 sure everybody in their office had submitted a
17 response to the production of documents or other
18 projects that were similar.

19 Q What about in the period before
20 Mr. Foster's death? Had you had any interaction with
21 the First Lady's office during that period of time?

22 A Yes, but not work-related as far as I can

1 remember.

2 Q Just what?

3 A Just personal, casual.

4 Q What is your best recollection about
5 whether Mr. Hubbell was present at any point in the
6 suite, the White House counsel suite on July 21st?

7 A What is my best recollection as to whether
8 he was or not?

9 Q Uh-huh, uh-huh.

10 A I couldn't say one way or another whether
11 he was or he wasn't, but I couldn't rule out that he
12 was there.

13 Q Did there come a point on the 21st that
14 Mr. Nussbaum entered Mr. Foster's office again and
15 removed the picture of Mr. McLarty, Mr. Foster and
16 the President in order to give it to the President?

17 A I'm not sure.

18 Q Did you witness such a thing?

19 A I don't remember.

20 Q Is your recollection that when
21 Mr. Foster -- withdrawn.

22 Is it your recollection that when

1 Mr. Nussbaum entered Mr. Foster's office to get the
2 picture for Mr. McLarty that there was not a Secret
3 Service guard on the premises at that point?

4 A I don't remember whether there was or there
5 wasn't a Secret Service officer there.

6 Q So you don't know whether that occurred
7 before or after the Secret Service arrived?

8 A It happened in very close proximity, but I
9 can't remember whether it was on one side or the
10 other.

11 Q In any case, you only remember Mr. Nussbaum
12 retrieving the picture and then putting it back on
13 one occasion on that day; correct?

14 A I only have a specific recollection of one
15 occasion.

16 Q Did the President visit the White House
17 counsel's office on July 21st?

18 A Yes.

19 Q Were you there?

20 A Yes.

21 Q When did he arrive?

22 A I don't remember specifically. It was

1 sometime in the early afternoon, possibly even late
2 morning.

3 Q Who was present at the time of the visit?

4 A Well, I believe that everybody in the
5 counsel's office suite in the west wing was there.

6 Q Meaning yourself, Mr. Nussbaum and the
7 other four people who were in the common area?

8 A I don't remember if Marlene MacDonald was
9 in that day or not.

10 Q Was there anybody else there?

11 A During the time that the President came
12 up?

13 Q Yes.

14 A I don't recall.

15 Q How long was the President in the suite?

16 A Approximately five minutes.

17 Q Was he in the common area the entire time?

18 A I don't remember.

19 Q Did he take Mr. Nussbaum aside and speak to
20 him?

21 A I don't remember that.

22 Q How many times have you met the President

1 since you have been at the White House?

2 A Define "meet the President."

3 Q Meet in the sense of exchanging words with
4 or being in close proximity with.

5 A Maybe six, seven times.

6 Q Those are fairly memorable occasions for
7 you?

8 A Yes.

9 Q Was this the longest period of time you
10 have been in the personal presence of the President
11 on July 21st?

12 A No.

13 Q Second longest?

14 A It was close. If it is six, seven
15 instances, the second, third, fourth kind of are
16 pretty close.

17 Q You can't remember whether he asked
18 Mr. Nussbaum to come into Mr. Nussbaum's office to
19 talk to him?

20 A That's right.

21 Q Did he say anything to the assembled
22 people?

1 A I think that he -- I don't think he made a
2 general set of remarks to people. I think he spoke
3 to people one-on-one just in coming into the office.

4 Q Did Mr. Sloan appear in the office on July
5 21st?

6 A I don't remember, but it would not have
7 been unusual.

8 Q Did he come with a bag of trash?

9 A I don't recall seeing him carrying a bag of
10 trash that day.

11 Q Did you see the Park Police or the FBI in
12 the counsel's suite on July 21st?

13 A Based on other people who identified them
14 to me, yes.

15 Q And when did you see them?

16 A I don't remember what time it was.

17 Q Late in the day?

18 A I don't remember specifically. It was
19 probably midafternoon. It could have been any time
20 between 11:30 and 5:00.

21 Q Where did they go in the suite?

22 A Well, they went into Mr. Foster's office at

1 one point with -- and I don't remember whether this
2 was on the 21st or not.

3 Q Let me focus you on the 21st. On the 21st,
4 do you remember these men going into Mr. Nussbaum's
5 office?

6 A I remember that there was at some point a
7 group of people from the agencies that you have named
8 who went in. I don't remember specifically whether
9 it was on the 21st. I could infer that it was on the
10 21st.

11 Q Well, don't infer. You don't remember
12 which day they were there?

13 A No.

14 Q Where did they go on the day they were
15 there?

16 A They went into Mr. Foster's office.

17 Q And how long were they there?

18 A I don't remember specifically. It was
19 probably about an hour.

20 Q Were you in the room at that point in
21 time? Did you go in with them?

22 A No.

1 Q Where were you?

2 A I was outside at my desk.

3 Q Could you see into the room?

4 A Well, they closed the door when they went

5 in there.

6 Q And you couldn't hear what was going on in

7 there?

8 A That's right.

9 Q It was approximately an hour, in your

10 recollection?

11 A In my best recollection, approximately.

12 Q And that was -- what is your best --

13 withdrawn.

14 At what time of day did this occur?

15 A I don't recall.

16 Q After lunch?

17 A I don't remember.

18 Q Sometime after 11:00?

19 A I don't specifically remember the time of

20 day. I mean, you can't -- in that suite, you can't

21 easily gauge the time of the day just by looking

22 outside because there is really a very small window

1 that you have accessible to you.

2 Q You know whether it was before or after

3 lunch, though?

4 A Not necessarily. Well, in this instance I

5 don't know.

6 Q After these people left, were the agency

7 people carrying anything?

8 A I don't specifically remember that.

9 Q After they left, what happened to

10 Mr. Foster's office?

11 A I think it was sealed back up.

12 Q How was it sealed back up?

13 A Locked back up and I guess -- I don't know

14 if there was some sort of system certification,

15 because I wasn't involved at any point in time with

16 sealing the office immediately myself. So, the best

17 of my knowledge, it was just sealed. I don't know

18 what the logistics were.

19 Q You mean locked?

20 A Right.

21 Q And after these men left, was there still a

22 guard on the door?

1 A I don't remember.

2 Q What happened during the rest of that day
3 with respect to that office?

4 A I don't know.

5 Q Were you there?

6 A Yes, I was there, but since you referenced
7 a particular day and I can't remember whether it was
8 the 21st or some day subsequent to that, I can't
9 answer your question that way.

10 Q What I'm asking you, based on the fact that
11 there was a day that people from the agencies came
12 up, went into Mr. Foster's office and closed the
13 door, whether on that day you remember anybody else
14 entering Vincent Foster's office.

15 A No.

16 Q Neither before or afterwards on that day?

17 A The answer depends on whether it is the
18 21st or some other subsequent day. Because if the
19 answer is that it is on the 21st, then I would answer
20 yes, because we have already discussed the time when
21 Mr. Nussbaum went into the office. If it is on the
22 22nd or the 23rd, then the answer would be no.

1 Q Okay. Do you remember anything about the
2 circumstances when those people from the agencies
3 came in? Did they appear to be angry? Did they
4 appear to be annoyed? Were there raised voices?

5 A No.

6 Q You don't remember anything like that?

7 A I don't remember them being particularly
8 hostile.

9 Q Were you interviewed by the Park Police?

10 A Yes.

11 Q When was that?

12 A One, two or three days after Mr. Foster
13 died.

14 Q Was it the same day that people were in
15 Mr. Foster's office, the agents were in Mr. Foster's
16 office?

17 A I don't specifically remember. But my
18 general sense is that it was not on that day.

19 Q Was it the day before?

20 A I don't remember.

21 Q Do you remember when people from the White
22 House counsel's office went to Little Rock for the

1 funeral?

2 A Yes.

3 Q Did you go to the funeral?

4 A No.

5 Q Were you interviewed by the agents before
6 the people left for the funeral?

7 A Yes.

8 Q So, it was sometime between July 20th, when
9 Mr. Foster died, and July 23rd, when everybody in the
10 office went to the funeral?

11 A Yes.

12 Q July 23rd was a Friday. You remember
13 Friday being the day people left for the funeral?

14 A Yes.

15 Q It was in the morning that they left?

16 A I believe so, though I'm not entirely
17 sure.

18 Q There were vans that took them to Andrews
19 Air Force Base?

20 A That's my understanding.

21 Q Did you stay around that day after everyone
22 left?

1 A Yes.

2 Q What did you do?

3 A I just stayed in the office and did what I
4 normally did.

5 Q Did anybody come to visit you in the office
6 on that Friday?

7 A I don't recall. I'm sure there might have
8 been people who walked in the office that day but I
9 don't remember specifically.

10 Q Did anybody go into Mr. Foster's office on
11 that day?

12 A No, not to my knowledge.

13 Q So, your interview occurred between July
14 20th and July 23rd; is that fair to say? Your Park
15 Police interview.

16 A That's what I would infer, yes.

17 Q Because we know it occurred after
18 Mr. Foster died; correct?

19 A Yes.

20 Q And we know it occurred before everyone
21 left for the funeral?

22 A Correct.

1 Q Did you meet with attorneys from the White
2 House counsel's office the night before the
3 interview?

4 A I met with in a group -- in a group I met
5 with one attorney, to the best of my recollection. I
6 don't think that there were two present. Who
7 informed us that there was going to be a series of
8 interviews.

9 Q Who was the attorney?

10 A Steve Neuwirth.

11 Q Who was present in the group?

12 A Deb Gorham, Betsy Pond, myself and Linda
13 Tripp.

14 Q What were you told?

15 A We were told that there were going to be a
16 series of interviews the next day, that we should
17 give them our best recollections of what happened
18 that day. We were told that they expected us to ask
19 about possibly what Vince's mood was like that day,
20 if there was anything distinguishing about his
21 behavior that day. That was in essence what we were
22 told.

1 Q What were you told about what the scope of
2 the investigation was?

3 A That they were trying to determine -- I
4 believe what we were told is they were trying to
5 determine whether they could find a cause for Vince's
6 decision to commit suicide.

7 Q In other words, what his motivation was?

8 A Right.

9 Q Did anybody in the group ask questions of
10 the lawyer? Was there any discussion concerning what
11 that possible motive might have been?

12 A There was a discussion between or among
13 members of the group about whether or not they had
14 observed any unusual behavior.

15 Q This all took place in a group?

16 A Yes.

17 Q What was the consensus?

18 A I'm not sure that there was a consensus.

19 Q Was the lawyer present -- was Mr. Neuwirth
20 present throughout this entire discussion?

21 A Yes.

22 Q Did he attempt to stop the discussion?

1 A No.

2 THE WITNESS: Can we take a break?

3 MR. CHERTOFF: Sure. You want to take like
4 five minutes?

5 (Recess.)

6 BY MR. CHERTOFF:

7 Q How long did this meeting with Mr. Neuwirth

8 last the evening before the interviews were to take
9 place?

10 A Approximately 20 minutes, perhaps less.

11 Q What discussion was there concerning what
12 should be said about the documents or records kept in
13 Mr. Foster's office?

14 MR. TODD: Objection. Until we have an
15 opportunity to clarify the scope of the waiver of the
16 privilege by the White House, I would ask that the
17 witness not answer the question and instruct him not
18 to answer the question. I will make every effort to
19 clarify that shortly.

20 MR. CHERTOFF: For the record, why don't we
21 clarify what the position is going to be regarding
22 the entirety of the conversation that was had in the

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1 White House counsel's office with Mr. Neuwirth the
2 evening before the interviews with the Park Police
3 were to take place, see what part, if any, is going
4 to be the subject of an assertion of some kind of
5 privilege.

6 BY MR. CHERTOFF:

7 Q The next day, did you in fact have an
8 interview with the Park Police?

9 A Yes.

10 Q Let me see if I can help refresh your
11 recollection as to what day that occurred. You
12 recall that you had a meeting the evening before with
13 Mr. Neuwirth to prepare for the interview; correct?

14 A Yes.

15 Q Now, on July 20th -- I'm sorry. Go ahead.

16 A With regard to my last answer, the phrasing
17 "prepare for the interview" implies something that I
18 don't want to include in my answer.

19 Q You acknowledge that there was a meeting
20 regarding the fact that there was going to be
21 interviews by the Park Police the evening before the
22 interviews took place; correct?

1 A That's correct.

2 Q We know that Mr. Foster -- you were not
3 aware of Mr. Foster's death on July 20th; correct?

4 A No.

5 Q So -- no, not correct or no, you didn't
6 know about his death on July 20th?

7 A I did not know about Mr. Foster's death on
8 July 20th.

9 Q The earliest evening as to which this
10 meeting could have occurred would have been July
11 21st; correct?

12 A That's right.

13 Q We know that the next day, the day after
14 this evening meeting were the interviews themselves;
15 correct?

16 A That's right.

17 Q And we know that the interviews took place
18 before everyone left to go to the funeral on the
19 23rd; correct?

20 A Yes.

21 Q Does that establish for you that the
22 interviews took place on the 22nd?

1 MR. TODD: You are talking about as a
2 matter of inference?

3 MR. CHERTOFF: Yes.

4 BY MR. CHERTOFF:

5 Q Are you comfortable now that the interviews
6 took place on the 22nd?

7 A Was the 23rd Friday?

8 Q Yes.

9 A Yes.

10 Q Do you remember whether the interviews took
11 place the same day as the agents were in the office,
12 in Mr. Foster's office?

13 A Do I recall --

14 Q Whether it was the same day.

15 A No, I don't have a recollection of that
16 being the same day.

17 Q Who interviewed you for the Park Police?

18 A I don't know.

19 Q How many agents were there?

20 A There was a room full of people, and I
21 couldn't distinguish who was with the Park Police,
22 who was with the FBI or the DOJ.

1 Q Where were you interviewed?

2 A I was interviewed in Carol Rasco's office.

3 Q Which is where?

4 A Which is also on the second floor of the
5 west wing, the same floor where the White House
6 counsel's office is. It is on the southeastern
7 corner of the west wing.

8 Q Who was present in the interview with you?

9 A There were the assembled representatives of
10 those agencies. I believe that the FBI, the Park
11 Police and the DOJ were all represented.

12 There was also one person that I can
13 specifically recall from the White House counsel's
14 office.

15 Q Who was that?

16 A That was Mr. Neuwirth.

17 Q He sat through the entire interview with
18 you?

19 A Yes. The interview only lasted five
20 minutes, if that.

21 Q Did anybody else come in during the
22 interview?

1 A Not to my knowledge or not to the best of
2 my recollection.

3 Q What was the subject of the interview?

4 A I think that the subject of the interview
5 was whether I had observed anything that would
6 logically lead me to conclude that Mr. Foster was
7 troubled.

8 Q And what was your answer?

9 A No.

10 Q Was the White House associate counsel
11 present in the interview at your request?

12 A No.

13 Q Were you ever asked whether you wanted to
14 have him present?

15 A I don't recall. I may have been asked if I
16 objected.

17 Q Did you raise an objection?

18 A No, I didn't.

19 Q Who asked you?

20 A I said I may have been asked, but I don't
21 remember whether I was or not.

22 Q If you were asked, who do you think asked

1 you?

2 A I don't remember.

3 Q Did the agents make any objection to the
4 presence of Mr. Neuwirth?

5 A Not in my presence.

6 Q Who actually asked you the questions? The
7 Park Police or the FBI?

8 A I don't remember. My general impression is
9 that it was the Park Police.

10 Q Were there objections raised by
11 Mr. Neuwirth to any of the questions?

12 A No.

13 Q Did you consult with him prior to or at any
14 point during the interview?

15 A No.

16 Q Did you sit next to him?

17 A No.

18 Q Were you asked any questions about
19 Whitewater?

20 A No.

21 Q Were you asked questions about what
22 Mr. Foster was working on before he left on July

1 20th?

2 A I don't recall.

3 Q Were you asked questions about what he had
4 been working on in the previous two weeks?

5 A I don't recall.

6 Q Did they ask you any questions about what
7 he was working on?

8 A I don't remember.

9 Q What do you remember they asked you about?

10 A I remember they asked me whether I had
11 observed any behavior that was unusual or may have
12 led me to conclude that Mr. Foster was disturbed.

13 Q And that was it?

14 A That's what I specifically remember from
15 that interview.

16 Q Is there anything you generally remember
17 besides that?

18 A No.

19 Q Did you know that on July 20th, he was
20 drafting a letter involving Waco?

21 A I don't have a present recollection of
22 having known that at that time.

1 Q Do you have a past recollection of having
2 known it?

3 A No. I would not know that. I mean, I
4 think that what I'm trying to say is that at that
5 point in time, I was not aware of any particular
6 items that were on his desk, so to speak, or that he
7 was working on. And I don't know that I have learned
8 that since.

9 Q Well, have you learned since then whether
10 he was working on Waco in the weeks before he died?

11 A It is not something that I would
12 necessarily -- it is possible I may have run across
13 it either through a news article or through some
14 other source. But it is not something that I would
15 necessarily take as gospel.

16 Q Let me direct your attention still to the
17 day that the agents went into Mr. Foster's room.
18 When they came out, were you asked to do anything on
19 that day concerning moving files around?

20 MR. TODD: Can we get the date to which you
21 are referring.

22 MR. CHERTOFF: I can tell you for the

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1 record it is the 22nd of July.

2 BY MR. CHERTOFF:

3 Q But it is the day you have described as the
4 day the agents went into Mr. Foster's office and they
5 closed the door. After the agents came out, were you
6 asked to do anything with the files in that office
7 that day?

8 A I did not go into that office that day.

9 Q Did you look into that office that day?

10 A Insofar as I could see from my vantage
11 point while the door was open and the group of people
12 went in, that's the extent to which I looked into the
13 office.

14 Q On that day?

15 A That's right. I may have actually walked
16 in and possibly given somebody a message. That's
17 possible. I have a visual memory of maybe having
18 gone in there at one point.

19 Q But other than that, that was your only
20 physical presence in the office on the day the agents
21 were there?

22 A To the best of my recollection, yes.

1 Q And your only look into the office on that
2 day?

3 A Again, to the best of my recollection,
4 yes.

5 Q And you certainly didn't move anything
6 around in the office on that day?

7 A That's right.

8 Q Now, after the agents left, do you know who
9 had keys to go into Mr. Foster's office? Because at
10 that point there was a lock on the office door;
11 correct?

12 A That's right.

13 Q Who had the keys?

14 A I don't know.

15 Q Do you know anybody who had a key to that?

16 A My belief is that only the Secret Service
17 had that key.

18 Q What is the basis for that belief?

19 A It is just a general sense that once the
20 office was sealed, that the Secret Service was given
21 exclusive access and that we could only get in by
22 requesting that the Secret Service unbolt the door.

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1 Q Were you there on the day that torn pieces
2 of paper that were later -- let me withdraw the
3 question.

4 Are you familiar with the fact that at a
5 point in time, torn pieces of paper were found and
6 were assembled into a note?

7 A I'm sorry. Can you repeat the question,
8 please.

9 Q Are you aware of the fact that at a point
10 in time, torn pieces of paper were located in
11 Mr. Foster's briefcase and those were ultimately
12 assembled and constituted a note?

13 A Yes. I am aware that at some point that
14 happened.

15 Q When did you first learn about that note?

16 A I don't recall.

17 Q Were you there when it was found?

18 A I don't have any firsthand knowledge of
19 having been there. In other words, if it were found
20 with my presence being in the suite, it was not
21 called to my attention at that time.

22 Q When did everybody come back from the

1 funeral in Little Rock?

2 A I don't remember.

3 Q Were they in the next Monday?

4 A Yes.

5 Q Were you in the next Monday?

6 A I believe I was, yes.

7 Q Were you in the whole day?

8 A I don't remember.

9 Q Did there come a point on that Monday that

10 Mr. Neuwirth entered Vincent Foster's office?

11 A I don't remember.

12 Q You have no recollection of him going in?

13 A On that particular day, I don't have a

14 recollection of any particular event.

15 Q Was the door open on that day?

16 A I don't recall. My sense is that the door

17 was not maintained.

18 Q What does that mean?

19 A It was not maintained open.

20 Q It was locked?

21 A I'm sorry. May I ask who this gentleman

22 is.

1 MR. CHERTOFF: That's Mr. Ben-Veniste. He
2 is special counsel for the Democratic side.

3 MR. TODD: He is known to me. That's why I
4 did not alert you to the fact of who he is.

5 THE WITNESS: Can I have the last two
6 questions read back.

7 (The reporter read the record as requested.)

8 THE WITNESS: It was maintained closed.

9 BY MR. CHERTOFF:

10 Q You don't know whether it was locked or not
11 on the 26th, that Monday?

12 A I would take it for granted that it was
13 locked.

14 Q Do you remember a day, putting aside which
15 specific day it was --

16 A I'm sorry. He seemed a little confused by
17 that answer. The answer is I would have taken it for
18 granted because my general assumption would have been
19 that it was locked.

20 Q Putting aside the particular day, during
21 that week, do you remember seeing Mr. Neuwirth
22 entering that office?

1 A I don't have a specific recollection of
2 Mr. Neuwirth having entered that office.

3 Q Do you have a recollection of him being in
4 the office?

5 A Inside Mr. Foster's office?

6 Q Yes.

7 A No, I don't.

8 Q Do you remember him inventorying records?

9 A At some point in time, yes, but I don't
10 recall when that was.

11 Q That's after the funeral; right?

12 A I don't recall specifically when that
13 inventory took place.

14 Q Is it after the funeral?

15 A I don't know.

16 Q Do you think it was before the funeral?

17 A I don't know that I would qualify it one
18 way or another. I would say that I don't know
19 specifically when that took place.

20 Q What do you recall about his conducting the
21 inventory in that office?

22 A The only thing that I recall is that I had

1 general knowledge or an awareness that that was to
2 take place.

3 Q Did you help him with that?

4 A No.

5 Q Did you ask to help him?

6 A No.

7 Q Did he ask you to help him?

8 A Not to the best of my recollection.

9 Q Wasn't part of your job to assist in
10 handling files and paper?

11 A Yes, it was.

12 Q Did you wonder why you weren't asked to
13 help him?

14 A No. I thought that these were extenuating
15 circumstances.

16 Q In what way?

17 A In that we were dealing with an
18 investigation that the Park Police was conducting.

19 Q Was this --

20 A My function was less an investigative
21 function and more a political function.

22 Q Well, was Mr. Neuwirth's job an

1 investigative function?

2 A No, but he because of his legal experience
3 would have had more experience, perhaps, with that
4 kind of role.

5 Q Was this occasion that Mr. Neuwirth was
6 doing the inventory after you were interviewed by the
7 Park Police, after the day you were interviewed by
8 the Park Police?

9 A I think that -- I'm not sure. I don't
10 know.

11 Q You think it occurred the same day that you
12 were being interviewed by the Park Police?

13 A I wouldn't characterize it as having
14 occurred on any given day. I don't remember.

15 Q Did it occur before the occasion of the
16 agents going into Mr. Foster's office and shut the
17 door?

18 A No.

19 Q It was after that?

20 A I believe so, yes.

21 Q Did it occur on the days that people were
22 in Little Rock attending the funeral?

1 A No.

2 Q How long was Mr. Neuwirth conducting this
3 inventory?

4 A I don't know. I did not have a specific
5 awareness of when he was doing it.

6 Q Was he in the office, in Mr. Foster's
7 office on only one day or on many days?

8 A I don't know.

9 Q Was there anybody else helping Mr. Neuwirth
10 when he was in there?

11 A I don't know.

12 MR. CHERTOFF: This probably is the time I
13 ought to break. I have to pay a brief Senatorial
14 visit. If we can take a break. I will be back as
15 soon as possible.

16 (Recess.)

17 BY MR. CHERTOFF:

18 Q The question was, I gather that,
19 Mr. Castleton, that your attorney has had an
20 opportunity to consult with the White House and they
21 are not asserting a privilege with respect to the
22 conversations that took place on Wednesday evening,

1 July 21st involving Mr. Neuwirth and looking toward
2 the next day's interviews with the Park Police;
3 correct?

4 A That's my understanding.

5 Q In the conversations that occurred with
6 members of the office suite staff and Mr. Neuwirth
7 looking toward the interviews on the next day, what
8 was said concerning what Mr. Foster was working on
9 and what documents and records were in his office?

10 A That subject was not addressed during that
11 meeting.

12 Q What subject was addressed?

13 A The subject as to what Mr. Foster's state
14 of mind might have been and how that might have been
15 manifested at the time.

16 Q Were there any particulars that were
17 brought up in this meeting, anything in particular?

18 A Yes. Ms. Gorham discussed an exchange that
19 she had had with Mr. Foster.

20 Q Which was what?

21 A Which was, to the best of my memory,
22 something about him having asked her a question of a

1 spiritual nature.

2 Q Did anyone during the conversation suggest
3 that maybe it was not a good idea to have a number of
4 potential witnesses sitting around in a meeting and
5 exchanging ideas and recollections?

6 A Is the question whether that was discussed
7 at that meeting?

8 Q Yes.

9 A That was not discussed at the meeting.

10 Q Was it discussed afterwards?

11 A I did not participate in a discussion where
12 that subject was broached.

13 Q Did you hear about a discussion where that
14 subject was broached?

15 A No.

16 Q Have you ever heard anybody criticize the
17 way in which that meeting was held as not being the
18 best way to keep witnesses' recollections clear and
19 distinct from other witnesses' recollections?

20 A What was the question again?

21 MR. CHERTOFF: Can I have it read back.
22 (The reporter read the record as requested.)

1 THE WITNESS: No, I have not heard that
2 discussed.

3 BY MR. CHERTOFF:

4 Q I want to now, still directing your
5 attention to this period of time after Mr. Foster's
6 death, did there come a point in time that you were
7 asked to come down to the -- you were asked to come
8 into Mr. Foster's office to help with the removal of
9 documents?

10 A I'm sorry. Can you repeat that again.

11 Q Was there a point at which you were asked
12 to come into Mr. Foster's office to help with the
13 removal of documents?

14 A Yes.

15 Q Who asked you?

16 A Betsy Pond.

17 Q Where were you when you were asked?

18 A I was in the suite.

19 Q When was it?

20 A It was sometime either in late October or
21 early November.

22 Q I want to go back to an earlier point in

1 time. I want to go back to the month of July.

2 A If that's the period of time we are
3 discussing, then at no point was I asked to remove
4 files from Mr. Foster's office.

5 Q Directing your attention to July of 1993,
6 was there a point in time you carried files up to the
7 residence in the White House?

8 A Yes.

9 Q When was that?

10 A I don't remember what the specific date
11 was. It was before the flight to the funeral.

12 Q It was before the flight to the funeral?

13 A That's right.

14 Q How do you remember that?

15 A I have a general sense that the flight
16 manifest was being prepared simultaneously with that
17 event happening.

18 Q Who was preparing the flight manifest?

19 A I don't know, but I know that it was
20 occurring in the White House counsel's office.

21 Q Is that customary to have the flight
22 manifest prepared there?

1 A Perhaps the flight manifest was not being
2 prepared, but there were decisions about who was
3 going to go from the counsel's office. So that's
4 what I mean to say.
5 Q What time of day was it?
6 A When this was taking place?
7 Q Yep.
8 A I think it was late afternoon, early
9 evening, but I can't remember specifically.
10 Q What makes you think it was late afternoon
11 or early evening?
12 A Just a general sense.
13 Q Was it before dinner?
14 A I don't remember.
15 Q Who was in the suite at the time that this
16 began?
17 MR. TODD: "This" being?
18 BY MR. CHERTOFF:
19 Q This process that led to your taking
20 documents up to the residence began.
21 A I don't recall specifically who was in the
22 suite.

1 Q How did you first get enlisted into this?
2 A I don't specifically remember.
3 Q Well, tell us what you do remember.
4 A I remember that I at some point walked with
5 Maggie Williams to pick up a box from a suite
6 somewhere on the second floor and that I was helping
7 her to carry it to the residence.
8 Q Now, how did you come to be accompanying
9 Maggie Williams on this errand?
10 A I don't know if she made a general request
11 from among a group of people that may have been in
12 the suite or if she specifically asked me to help or
13 whether it was relayed through somebody else. I
14 don't remember specifically.
15 Q What is the first thing you remember about
16 this incident on, you say, the day before the flight
17 to the funeral?
18 A We are talking about regarding this box?
19 Q Right.
20 MR. KRAVITZ: Excuse me. I'm not sure that
21 there was testimony that this was the day before the
22 funeral.

1 MR. CHERTOFF: Let's be sure. I think he
2 testified to that.
3 BY MR. CHERTOFF:
4 Q Was this the day before the funeral?
5 A We are talking about my best recollection.
6 Q Could it have been after the funeral?
7 A I don't remember specifically, but I don't
8 think so because it was during the same week.
9 Q During the same week as the funeral?
10 A That's right.
11 Q Or was the -- do you know what date it was
12 held?
13 A It was on a Friday.
14 Q Wasn't the flight on a Friday?
15 A The flight took place on the same day as
16 the funeral.
17 Q The funeral was later that day?
18 A That's my recollection, yes.
19 Q So you are telling us that your best
20 recollection is this event with the box occurred on
21 Thursday?
22 A I don't have a specific recollection of

1 exactly what day it was.
2 Q Well, we know it was after Mr. Foster died;
3 right?
4 A That's right.
5 Q You are certain of that; right?
6 A That's right.
7 Q Was it the day after?
8 A I don't remember exactly.
9 Q Was it before or after the agents were in
10 the office?
11 A I don't remember in relation to that event
12 when this was.
13 Q Was it when the Secret Service was still on
14 the door?
15 A No.
16 Q It was after the Secret Service had been
17 dismissed?
18 A That's right.
19 Q From standing guard. So that you do
20 remember?
21 A Yes.
22 Q And other than that, is there any other

1 thing that you can use to fix in your mind what day
2 this occurred?

3 A The only thing that I can tell you is that
4 I have a general sense that the flight manifest was
5 being prepared simultaneously, and that's all I
6 can -- that's as far as --

7 Q Who was preparing the flight manifest?

8 A I assume it was the -- I don't know. I
9 would assume that just by virtue of what they do it
10 would have been the office of scheduling in advance.

11 Q Can you think of any other occasions the
12 flight manifest has been prepared in the counsel's
13 office?

14 A Well, it wasn't prepared by the counsel's
15 office. There were members of the counsel's office
16 who were going on this flight, and so therefore there
17 were decisions about who was going to go taking
18 place, given that we only had a certain number of
19 slots.

20 Q And who was participating in making those
21 decisions?

22 A The only people I know made those decisions

1 or participated in making those decisions were Bernie
2 Nussbaum and Cheryl Mills.

3 Q And those decisions were being made in the
4 suite?

5 A No, not necessarily.

6 Q Where were they being made?

7 A Well, Cheryl Mills's office is in the Old
8 Executive Office Building.

9 Q But you have testified that your
10 recollection is this occurred when the manifest was
11 being prepared; right?

12 A I have a general sense that that was the
13 case. So I am trying to fix as closely as possible
14 the timing of this incident with the box, and that's
15 the only thing that I have to go on at this point.

16 Q Well, what led you to believe they were
17 preparing a manifest? What were the visible signs
18 that this was being prepared when you were in the
19 suite?

20 A There was discussion about the manifest.

21 Q So you were overhearing discussion about
22 who was going to be going to Little Rock?

1 A Right.

2 Q Who was participating in the discussion?

3 A Everybody in the suite.

4 Q And who were those people?

5 A I know that Linda Tripp took part in a
6 discussion. At one point Bernie discussed with
7 people in the outer office how we were going to
8 arrange to keep the office operational while
9 everybody was gone. I think that possibly -- those
10 are the only two people that I can positively say I
11 heard talking about the subject.

12 Q And over what period of time was this
13 discussion occurring?

14 A I'm not sure I understand your question.

15 Q Was this a discussion over a period of an
16 hour? Was it going on all day?

17 A It took place over a period of time that I
18 would estimate to be less than four hours.

19 Q And was it in the morning or the evening?

20 A I think it was in the evening.

21 Q And now, how do you get out there -- how do
22 you wind up with this box?

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1 A I accompanied Maggie Williams to a suite
2 where the box was.

3 Q How did you come to accompany Maggie
4 Williams?

5 A I don't remember.

6 Q Did she walk into the White House counsel's
7 suite?

8 A I don't remember.

9 Q Did someone ask you to go out and meet her?

10 A I don't recall.

11 Q What is the office suite into which you
12 walked where the box was located?

13 A What is the suite?

14 Q Yes. Whose office was it?

15 A I don't remember.

16 Q Was it Maggie Williams's office?

17 A I don't remember if it was.

18 Q When you were on your way there with her,
19 what did she tell you about what you were going to
20 do?

21 A I don't remember if we had a conversation
22 between the time that we left the counsel's office

1 suite to the time that we arrived at this other
2 office.
3 Q So, we have established you met her at the
4 counsel's office suite now?
5 A Somewhere in that proximity.
6 Q And did you know when you met her what you
7 were going to be doing?
8 A Did I know before meeting her what I was
9 going to be doing?
10 Q Yes.
11 A I don't know.
12 Q Did she tell you what you were going to be
13 doing when you met her?
14 A At some point after the time that we met,
15 she told me what I was doing, and I don't know
16 whether that came in the form of a clarification or
17 whether it was an initial contact.
18 Q Well, in plain English, you met her to go
19 do something. Did she say to you we are going to do
20 X, Y, Z? Or did she simply say nothing?
21 A I don't remember what she said to me when I
22 first met her.

1 Q Now, you walked down the hall to an office;
2 correct?
3 A That's right.
4 Q It is on the second floor?
5 A That's right.
6 Q How far from the counsel's office was it?
7 A I'm not sure exactly, but I would say it is
8 no further than 30 feet from the front office or the
9 front door of the counsel's office.
10 Q Was it the First Lady's office?
11 A I don't remember.
12 Q Was it Maggie Williams's office?
13 A I don't remember.
14 Q Have you ever been in the First Lady's
15 office?
16 A Yes.
17 Q How many times?
18 A I don't remember. It is more than five,
19 possibly more than 10.
20 Q Do you consider it memorable, those
21 occasions you have been in the First Lady's office?
22 A Yes. In relation to being in the White

1 House, I would say it is just as memorable.
 2 Q You don't distinguish between being in the
 3 White House, in the counsel suite where you worked
 4 and being actually physically in the First Lady's
 5 office?
 6 A To a certain degree, yes.
 7 Q To a certain degree, yes, what?
 8 A I do distinguish.
 9 Q In your mind, it is more memorable to be in
 10 the First Lady's office; right?
 11 A Yes.
 12 Q That's not a routine thing for you; right?
 13 A Right.
 14 Q Is it still your testimony you don't
 15 remember whether you were in the First Lady's office
 16 with Maggie Williams?
 17 A That's right.
 18 Q And you don't remember whether you were in
 19 Maggie Williams's office?
 20 A That's right.
 21 Q Describe the office you walked into.
 22 A The only thing that I can remember taking

1 in was that there was a couch on the right side of
 2 the office and that there was a desk on the opposite
 3 wall from the wall that was adjacent to the
 4 corridor.
 5 Q Was there a window?
 6 A I don't remember.
 7 Q Was there light coming in from outside?
 8 A I don't remember.
 9 Q Were there any pictures on the wall?
 10 A I don't recall specifically.
 11 Q What color was the couch?
 12 A I don't remember that.
 13 Q What happened when you walked into the
 14 office?
 15 A Picked up a box or possibly two boxes. I
 16 don't recall exactly how many. And we headed to the
 17 elevator.
 18 Q Now, what color were the boxes?
 19 A They were cardboard colored, maybe light
 20 brown.
 21 Q And did they have anything written on them?
 22 A No.

- 1 Q Were they covered?
2 A They were just -- they were self-folding
3 boxes. I'm not sure if there was one box or two
4 boxes at this point.
5 Q Were they opened or closed?
6 A Well, the specific recollection that I have
7 of the box that I would have noticed, whether it was
8 opened or closed, indicates that it was closed. So,
9 whether or not I carried one or two boxes, whatever I
10 carried, either it was closed or they were both
11 closed.
12 Q And you didn't see inside at the point you
13 picked it up?
14 A Not from the top.
15 Q What about from the sides?
16 A It is possible that there might have been
17 handles, that I may have seen inside, but I can't
18 specifically remember if I did.
19 Q Did you pick it up with handles?
20 A There were handles, yes.
21 Q What was inside?
22 A I don't remember.
-

- 1 Q Were there documents inside?
2 A Are you asking me whether I observed
3 documents inside?
4 Q I'm asking you whether you either observed
5 with your eyes or felt with your hands that there
6 were papers or documents inside when you picked it
7 up.
8 A No.
9 Q Was it heavy?
10 A Can you tell me what you would consider
11 heavy?
12 Q I wasn't carrying the documents. You
13 were. Did you consider it heavy?
14 MR. TODD: Objection. If you understand
15 what he means by "heavy," you should answer that. If
16 you don't understand what he means and has in his
17 mind by "heavy" you ought to get it clarified or say
18 you can't answer it.
19 THE WITNESS: I don't think I can answer it
20 the way it is phrased.
21 BY MR. CHERTOFF:
22 Q Did you consider it heavy?

- 1 A No, I didn't.
 2 Q Did the box or boxes seem full to you?
 3 A No.
 4 Q Did they make noise? Did things move
 5 around inside the boxes?
 6 A Yes.
 7 Q Did Ms. Williams unlock the door before she
 8 took you in?
 9 A I'm sorry. Took me into where?
 10 Q The office where the boxes were?
 11 A I don't remember her unlocking the door.
 12 Q Was there an anteroom you had to go
 13 through?
 14 A I don't remember.
 15 Q Was there anybody there?
 16 A Where?
 17 Q In the room that the boxes were.
 18 A No.
 19 Q Was there anybody outside the room where
 20 the boxes were?
 21 MR. TODD: I just have an objection as to
 22 the form, the way the question is phrased. You keep

- 1 referring to boxes in plural.
 2 BY MR. CHERTOFF:
 3 Q I understand you said it could be a box or
 4 boxes. It is understood that when I refer to boxes,
 5 I mean box or boxes.
 6 Was there anybody outside the door where
 7 the boxes were when you came there with Ms. Williams?
 8 A Immediately outside the door?
 9 Q Or in close proximity.
 10 A Well, given the way that the west wing is
 11 laid out, I would say that there were a lot of people
 12 in close proximity to the door. That doesn't
 13 necessarily mean that they were immediately
 14 adjacent.
 15 Q Did the door open into a hallway?
 16 A I don't remember.
 17 Q Did it open into a common area?
 18 A I don't remember.
 19 Q Was there someone sitting outside the door?
 20 A I don't -- well, yes, there were people
 21 sitting outside the door, regardless of whether the
 22 door was in the First Lady's office or Maggie

- 1 Williams's office.
- 2 Q Was there a secretary sitting out there?
- 3 A I don't remember.
- 4 Q What did Ms. Williams say to you when you
- 5 came into the office where the box or boxes were?
- 6 A I don't recall if we had an exchange within
- 7 the office.
- 8 Q Did she indicate she wanted you to pick
- 9 them up?
- 10 A I don't remember.
- 11 Q How did you know to pick them up?
- 12 A I'm not sure. That's the answer. I'm not
- 13 sure.
- 14 Q By the way, have you ever done moving
- 15 chores for Ms. Williams before or since that
- 16 occasion?
- 17 A No.
- 18 Q What happened after you picked them up?
- 19 A After we picked them up, we walked --
- 20 Q Was she carrying anything or just you?
- 21 A I don't remember.
- 22 Q You don't remember if she was carrying

- 1 something?
- 2 A That's right.
- 3 Q But you were?
- 4 A That's right.
- 5 Q After you picked up the box or boxes, what
- 6 happened next?
- 7 A We walked over to the elevator in the west
- 8 wing and took the elevator down.
- 9 Q To where?
- 10 A I'm not sure which level it was. There are
- 11 only two levels.
- 12 Q And then what did you do?
- 13 A We walked toward or in the direction of the
- 14 press room, walked adjacent to the Rose Garden and
- 15 into the Palm Room and proceeded into the residence.
- 16 Q Now let me stop you. Up to this point, had
- 17 you been told by Ms. Williams what you were going to
- 18 do?
- 19 A I believe yes.
- 20 Q What did she tell you?
- 21 A If I can back up one second.
- 22 Q Uh-huh.

1 A I don't know if Ms. Williams was the
2 individual who told me what I was supposed to do, but
3 at that point we had spoken. So, if she had -- I
4 don't know whether she was the person who originally
5 told me about moving the boxes or whether she just
6 further clarified once we picked them up.

7 Q And what did she tell you?

8 A She told me that we were taking the boxes
9 into the residence.

10 Q And did she say where in the residence?

11 A No.

12 Q Did she say why you were taking them?

13 A Yes.

14 Q What was her statement?

15 A She said that the President or the First
16 Lady had to review the contents of the boxes to
17 determine what was in them.

18 Q Did she say the President or the First Lady
19 or did she say the President and the First Lady?

20 A I don't recall.

21 Q But she clearly referred to both the
22 President and the First Lady in that phrase?

1 A I don't remember specifically how she
2 referred to the first family, but my sense was that
3 they were both included in that universe.

4 Q What did she tell you about what in
5 particular needed to be reviewed?

6 A I think -- my understanding at that point
7 was that they did not know what was in these files
8 and needed to determine whether there was something
9 of a personal nature or not.

10 Q Where did you get that understanding from?

11 A From the conversation that I had with
12 Ms. Williams. I don't know specifically what the
13 phrasing was or the specifics of what she said. But
14 that was my understanding.

15 Q Did she tell you where the boxes came from,
16 box or boxes came from?

17 A Prior to being in the office where we
18 picked them up? No.

19 Q After you were in the office where you
20 picked them up, did she tell you where the boxes had
21 originated?

22 A Where the --

1 Q Where the contents of the boxes had
2 originated.

3 A She said that they had been in Vince
4 Foster's office.

5 Q She said this to you when you were in this
6 conversation on your way up to the residence?

7 A Right.

8 Q What else did she say to you in this
9 conversation?

10 A I think we talked about just in general
11 what it was like working with Vince. That's really
12 the only other thing that I remember.

13 Q Now, you get into the residence and what
14 happens?

15 A We went up an elevator, I think, to the
16 living quarters and then deposited the box in another
17 room.

18 Q And describe exactly where you went. You
19 take the elevator up to -- how many floors up did you
20 take it?

21 A I don't remember.

22 Q Where did you emerge?

1 A Onto a hallway, I think.

2 Q Where did you go?

3 A I think we took a right and walked down the
4 hallway into what I think would have been straight
5 into this other room.

6 Q What was the room? What did it look like?

7 A It was not really set up yet. There were
8 boxes. It wasn't furnished or in any final form. It
9 just looked like a general storage area at that
10 point. But it looked like a room that would normally
11 be used for some sort of living purpose other than
12 storage.

13 Q Do you know what the name of the room is?

14 A No.

15 Q Did you ask?

16 A I wasn't aware that there was a name for
17 the room.

18 Q During this period of time you were walking
19 up through the residence, did you have further
20 conversation with Ms. Williams?

21 A I'm sorry? During which period?

22 Q During the period of time you were walking

1 up through the residence and into that room, did you
2 have further conversation with Ms. Williams?

3 A Yes.

4 Q Tell us about that.

5 A I don't remember the contents of the
6 conversation. But it was of a personal nature.

7 Q Personal to whom? To you or to her?

8 A To both of us. It was not a professional
9 conversation.

10 Q Was it about Vincent Foster?

11 A I don't remember.

12 Q Was it about the documents?

13 A I would have considered a conversation
14 about the documents professional.

15 Q When you came into the room, where did she
16 direct you to put the documents?

17 A I don't remember specifically, but it was
18 near a corner of the room.

19 Q And she told you these were documents that
20 had come from Foster's office at some point during
21 this walk, from the time you left to pick up the
22 boxes up to the point where you put them down?

1 A That's correct.

2 Q You put them on the floor?

3 A I don't remember.

4 Q Did you put them in something?

5 A I don't remember specifically.

6 Q You said you put them near the corner?

7 A Uh-huh.

8 Q And what else was in that corner?

9 A I think in or around that corner there were
10 other boxes.

11 Q Was this room in the residence locked?

12 A I don't remember.

13 Q What happened after you put the boxes down?

14 A Walked out of the room and went back.

15 Q Did you walk out with her?

16 A Not all the way back.

17 Q How far back?

18 A I don't remember.

19 Q Did she walk you out of the room?

20 A I don't remember specifically.

21 Q Did she leave you to exit through the
22 residence yourself or did she escort you back through

1 the residence?

2 A I don't think she escorted me all the way
3 out, if she did.

4 Q Did she escort you into the elevator and
5 take you down to the floor which would lead you back
6 into the west wing?

7 A I don't remember.

8 Q What is the last thing you remember seeing
9 her do?

10 A I think the last thing that I remember
11 seeing her do is shortly before we left, she went
12 somewhere else in the living quarters and I remained
13 in the proximity of this room, and I don't remember
14 exactly where she went, but that's the last visible
15 memory that I have.

16 Q And then what is the next thing you
17 remember?

18 A Walking back to the counsel's office
19 outside the residence.

20 Q Did you talk to anybody in the counsel's
21 office when you got back about what had happened?

22 A About moving the box?

1 Q Yes.

2 A I don't recall.

3 Q Did you talk to Mr. Nussbaum about it?

4 A No.

5 Q Did you talk to Mr. Neuwirth about it?

6 A No.

7 Q Did Ms. -- what if anything did
8 Ms. Williams say to you concerning what you should
9 say about this episode where you moved the boxes?

10 A Nothing.

11 Q Did she tell you to keep it quiet?

12 A No.

13 Q Did she tell you to maintain it in
14 confidence?

15 A No.

16 Q Did she tell you to report it to somebody?

17 A No.

18 Q Had you ever been in the residence before?

19 A Yes.

20 Q How many times?

21 A I don't remember.

22 Q In what kind of circumstances?

1 A I mean, it was routine to walk through if
2 you needed to go to the east wing, for example.

3 Q Had you been on the upper floors of the
4 residence?

5 A No.

6 Q Was this the first time you were on the
7 upper floors of the residence?

8 A Yes.

9 Q Is it the last time you have been there?

10 A I think so, yes.

11 Q Is it a pretty memorable occasion?

12 A Yes, in this regard, yes.

13 Q Is there some regard in which it was not
14 memorable?

15 A I don't think I would necessarily remember
16 it in such detail unless I had been asked about it.

17 Q What color was the room, do you remember,
18 in which you deposited the box or boxes?

19 A No.

20 Q Did you think there was anything odd or
21 funny that you were moving boxes that had originated
22 in Vincent Foster's office up to an upper floor of

1 the residence?

2 A No.

3 Q After that movement of the boxes, did you
4 see Maggie Williams later on that day?

5 A I don't have a memory of having seen her
6 later that day.

7 Q When is the next time you saw her?

8 A I don't remember.

9 Q Did you have occasion to move boxes from
10 Vincent Foster's office anywhere else?

11 A What time period are we talking about?

12 Q At any point in time.

13 A Yes.

14 Q Tell us about that.

15 A It was in November.

16 Q Let me withdraw the question and ask you
17 this. At any other time in July?

18 A No.

19 Q Did you ever transport boxes to Vincent
20 Foster's personal attorneys?

21 A Yes.

22 Q When was that?

1 A When was that?

2 Q Yes.

3 A I don't remember specifically.

4 Q Was that in July?

5 A Yes.

6 Q Where did those boxes originate?

7 A I think that in part at least they

8 originated within his office.

9 Q Is there some reason when I asked you a
10 couple of moments ago about another time that you
11 moved boxes you jumped to November and failed to
12 mention the movement of the boxes to Vincent Foster's
13 attorney?

14 A No. I believe that you might have asked me
15 about whether I had ever moved boxes from Vincent
16 Foster's office somewhere else.

17 Q These were not boxes you moved from Vincent
18 Foster's office?

19 A They were boxes that originated in his
20 office, but they were not moved from there.

21 Q Where were they moved from?

22 A When I got the boxes, they were in the

1 outer suite.

2 Q In the common area?

3 A Right.

4 Q Do you know how they got there?

5 A I don't remember who brought them there.

6 Q Do you know who packed them?

7 A No.

8 Q Were you present when they were packed?

9 A No. I did not witness them being packed.

10 Q Were they packed with the door closed to
11 Vincent Foster's office?

12 A I don't know.

13 Q Tell us about how you came to move those
14 boxes.

15 A I was asked by Deb Gorham to help.

16 Q And is that the only time Deb Gorham ever
17 asked you to move boxes?

18 A To the best of my recollection, yes.

19 Q And tell us what happened.

20 A We took them to Jim Hamilton.

21 Q How many boxes were there?

22 A I believe there was only one.

1 Q Was the box closed up like the boxes you
2 had taken to the residence?

3 A Yes. They were -- I think it was a
4 self-closing box.

5 Q Was this before or after the trip to the
6 residence?

7 A I don't recall.

8 Q No recollection one way or the other?

9 A No.

10 Q Tell us what happened on this trip to Jim
11 Hamilton.

12 A Took the box to a car downstairs and took
13 the car up to his office.

14 Q Did you go by yourself?

15 A No. I went with Deb Gorham.

16 Q The two of you personally delivered this?

17 A Yes.

18 Q Did you during this time period in July
19 have occasion to be present in Vincent Foster's
20 office together with Bernie Nussbaum and Maggie
21 Williams?

22 A I don't have a recollection of ever having

1 been in Vince Foster's office in their presence.

2 Q So you don't remember one way or the other?

3 A That's right. I don't have a memory of
4 that.

5 Q When is the next time that you -- after you
6 moved the documents to the residence, when is the
7 next time, if ever, you had discussion about that
8 movement of the documents to the residence?

9 A I'm sorry. Can you repeat the question,
10 please.

11 Q After the day you moved the documents to
12 the residence, when is the next time you discussed
13 with anybody the movement of the boxes to the
14 residence?

15 MR. TODD: To the exclusion of counsel.

16 MR. CHERTOFF: I'm just asking when the
17 next time is. I'm not asking what it is.

18 BY MR. CHERTOFF:

19 Q When was the next time?

20 A This is one I need to get clarified before
21 I answer it.

22 MR. CHERTOFF: You mean you want to talk to

1 your attorney?

2 THE WITNESS: Yes.

3 MR. CHERTOFF: Fine.

4 (Witness conferred with counsel.)

5 (Discussion off the record.)

6 BY MR. CHERTOFF:

7 Q Putting aside contacts with counsel, when
8 was the next time you talked to somebody about this
9 episode of moving the documents?

10 A I don't recall having spoken to anybody
11 outside of that context.

12 Q You never spoke to anybody, putting aside
13 counsel, you never spoke to anybody, and putting
14 aside people who were investigating for the
15 independent counsel, you never spoke to anybody in
16 the White House about this?

17 A To the best of my recollection, that is
18 accurate.

19 Q Now, did you come to move documents out of
20 Vincent Foster's office in the fall of 1993?

21 A Yes.

22 Q How did that come about?

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1 A I was requested to do so by Betsy Pond.

2 Q What was the reason you were requested to
3 do it?

4 A The major reason was that we had a new
5 deputy counsel coming in and that we needed to
6 prepare the office for his arrival and simultaneously
7 catalogue and index the items that were left.

8 Q What did she ask you to do?

9 A She just asked me to pack up the remaining
10 files and to catalogue and index them.

11 Q And what did you do?

12 A I did that.

13 Q How did you catalogue them and index them?

14 A I obtained a copy of a list that had
15 indexed the files contained in Vince Foster's inner
16 office, and I worked from that list. It was
17 specifically designated which drawers these files
18 were expected to be found in, and I went to each one
19 of those drawers and worked from there.

20 Q Where did you get the list from?

21 A I don't remember who gave it to me
22 specifically.

1 Q Was there anything missing?

2 A I'm sorry? From?

3 Q Was there anything missing from the list
4 that was not in the drawers?

5 A I believe -- I don't have a copy of the
6 list that I was working off of, but I believe that
7 there was designations on the list of files that had
8 been removed.

9 Q I'm sorry. I didn't follow that.

10 A That is, the list that I got may have
11 indicated files that were no longer in that office
12 that had been when the original list was prepared or
13 worked on.

14 Q Was that a typewritten list you were given?

15 A It was something generated out of a
16 computer.

17 Q And was it given to you -- was it your
18 understanding that it had been prepared by Deborah
19 Gorham?

20 A Yes.

21 Q Let me show you what has been previously
22 marked as documents Z407, Z408, Z409 and Z410.

1 Let me ask you if you recognize that list.

2 (Witness examined the document.)

3 A With the exception of the background on
4 this paper --

5 Q Which is something we have to do for
6 copying for security reasons.

7 A -- this is a list I generated, working off
8 the original list that I spoke to you about.

9 Q And let me show you Z412, Z413, Z414 and
10 Z415 and ask you if you recognize those documents.

11 (Witness examined the document.)

12 What are those?

13 A The first page is a copy of a memo that I
14 left on top of these boxes once they had been moved
15 to Bill Kennedy, and the subsequent sheets are a copy
16 of what I believe is the list that I worked off of
17 that I currently believe was generated by Deborah
18 Gorham and which catalogued the files contained in
19 Vince Foster's inner office.

20 Q Are those little check marks next to the
21 items yours?

22 A That's right.

1 Q And this is the actual list you worked from
2 when you moved those documents?

3 A Yes.

4 Q Can you read the handwritten note which is
5 the first page of that?

6 A It says, "Bill, this is a listing of
7 materials in Vince's office. The contents have been
8 packed and labeled according to the location of these
9 items. The contents of his files in the outside
10 cabinets will be following." And then it has my
11 signature at the bottom.

12 Q The outside cabinets would be those in the
13 common area?

14 A That's right.

15 Q Where it says "(removed)," these notations
16 were there when you got the list that had been
17 updated by Deborah Gorham; correct?

18 A Those that are laser printed are as I found
19 them on the original list.

20 Q Is it your understanding that those were
21 documents that you had removed on the occasion you
22 took them up to the residence?

1 A I'm sorry. Ask me the question again.

2 Q Was it your understanding that the removed
3 documents were included in the documents you took up
4 to the residence on that day in July?

5 A No.

6 Q You had no understanding one way or the
7 other?

8 A That's right.

9 Q Did you have any discussion about what the
10 removed documents were?

11 A No.

12 Q The notation in your handwriting "this file
13 is with BWN as of 11/1993," what is that a reference
14 to?

15 A It is a reference to a file that was given
16 to Bernie Nussbaum according to this note on the 19th
17 of November of '93.

18 Q Looking at the date on your cover note, is
19 that 11/7/93?

20 A It looks like 1/7/93, although --

21 Q It must be 11/7/93; right?

22 A Yes. That would make sense, given the

1 timing of this project.

2 Q But can you explain how it is that you had
3 a note there that says 11/7/93 and yet you make
4 reference in the underlying document to an event that
5 occurred on 11/19/93?

6 A Well, these two documents were not
7 originally attached.

8 Q The note was separate?

9 MR. TODD: Can we identify for the record.
10 When you refer to "these two documents," you are
11 referring to what?

12 THE WITNESS: Document Z412 was not
13 originally, and as far as I know, has never been a
14 part of the document that goes from 413 through 415.

15 BY MR. CHERTOFF:

16 Q But Z412 was completed after you had moved
17 the documents that were remaining in Vincent Foster's
18 office?

19 A No, that's incorrect. Because Z412 is
20 dated presumably 11/7/93, whereas, this note
21 describes an event that took place on 11/19/93.

22 Q But the note -- read the note -- read Z412

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1 again.

2 MR. KRAVITZ: 412.

3 MR. CHERTOFF: 412, yes.

4 THE WITNESS: "Bill, this is a listing of
5 materials in Vince's office. The contents have been
6 packed and labeled according to the location of these
7 items. The contents of his files in the outside
8 cabinets will be forthcoming."

9 BY MR. CHERTOFF:

10 Q Now, you were moving the content in the
11 boxes that were packed to Mr. Kennedy's office;
12 correct?

13 A That's correct.

14 Q So that note accompanied the packed boxes
15 into Mr. Kennedy's office; correct?

16 A That's correct.

17 Q They contained all the things listed on
18 Z413 through 415; correct?

19 A That's correct.

20 Q And that transfer occurred on or before
21 November 7, 1993; correct?

22 MR. KRAVITZ: Let me interrupt for one

1 moment.

2 (Discussion off the record.)

3 MR. CHERTOFF: What is the pending
4 question?

5 (The reporter read the record as requested.)

6 THE WITNESS: I think your underlying
7 question is what the discrepancy is between Z412 and
8 413 through 15. And I don't know that I can resolve
9 that discrepancy, if only to say that this document,
10 413 through 415, was copied more than one time, and I
11 had several versions that I worked off of.

12 When I prepared the document that you
13 handed me earlier, that was a transcription of this
14 document. So, as of the time that I generated that,
15 I still had a copy of this. So, this may have
16 undergone several permutations, and I don't know
17 whether the explanation is that this note really may
18 have been written either on January 7th of '94 and
19 then was just misdated '93 or whether it was actually
20 dated 11/17/93 and then there is a discrepancy in
21 terms of the grouping of the documents.

22 BY MR. CHERTOFF:

1 Q Could it be that this is what happened,
2 that you packed the documents and furnished them on
3 November 7, 1993, as indicated in the cover note, and
4 that you at some later point marked up the list to
5 make a record of the fact that subsequently there was
6 a removal of the Ickes file?

7 A It is possible but I don't recall that
8 happening. I think that once these records resided
9 with Mr. Kennedy, they were not tampered with, to the
10 best of my knowledge.

11 Q I can tell you and I will represent for the
12 record that there is other documentation you prepared
13 that confirms that it is on the 17th of -- let me
14 withdraw that.

15 If you look at Z412, it may be that in fact
16 it is something 17/93 and what has happened is you
17 don't have -- the 11 hasn't really come through. I
18 will represent to you there are other documents in
19 which you have indicated the actual move took place
20 on November 17th.

21 A But what I would like to submit also is
22 that it is possible that this list was not attached

1 to those boxes until quite possibly January 7th of
2 '94 and that this still may have been misdated. So
3 I don't know what the answer to the question as to
4 why there is a discrepancy in this document.

5 Q But you do agree that the move occurred by
6 November 17th, 1993; correct?

7 A The move occurred on or about that date.

8 Q And can you explain how Mr. Nussbaum could
9 have removed a file from that two days later? Was it
10 your understanding he went into Mr. Kennedy and took
11 something back?

12 A No. My understanding would be more to the
13 effect that I had -- that I believe that I took that
14 file and transferred it to Mr. Nussbaum.

15 Q At whose direction?

16 A I don't recall.

17 Q Was it your own idea?

18 A I don't remember.

19 Q Does it seem likely it was your own idea?

20 A It is possible.

21 Q What was your rationale for selecting the
22 file relating to Mr. Ickes and transferring that to

1 Mr. Nussbaum?

2 A I believe that because it had been labeled
3 personal and confidential that I thought that perhaps
4 somebody ought to review it before we made it part of
5 the rest of this move.

6 Q Was that the only document labeled personal
7 and confidential that was moved that was on that
8 list?

9 A Yes.

10 Q Now, did there come a time you prepared
11 Z403 and 404?

12 A Yes, there came a time when I prepared
13 this.

14 Q How did you come to prepare that?

15 THE WITNESS: Chris?

16 MR. TODD: May we have just a moment?

17 MR. CHERTOFF: Yes.

18 (Witness conferred with counsel.)

19 THE WITNESS: Reread the question, please.

20 BY MR. CHERTOFF:

21 Q The question was how did you come to
22 prepare that.

1 A I had a series of conversations with Bill
2 Kennedy because of his concern about these boxes
3 being in his office, that he wanted to preserve the
4 chain of custody. He wavered back and forth between
5 asking me to prepare a memo to the file and changing
6 his mind, asking me not to prepare a memo to the
7 file. This went on for at least a month, perhaps two
8 months.

9 I actually solicited from him advice about
10 whether he did want me to prepare it or not, until
11 finally he handed the decision off to somebody else,
12 upon which promptly the decision was basically handed
13 off to me as to whether I wanted to prepare a memo on
14 the chain of custody.

15 That's when I prepared this.

16 Q What was your thinking?

17 A I'm sorry?

18 Q What was your thinking? Why did you want
19 to prepare a memo on the chain of custody?

20 A I wanted to prepare a memo on the chain of
21 custody because I thought that it would be a good
22 idea to memorialize for the record how these boxes

1 had come to originate or the files had come to
2 originate in Vince Foster's office and then
3 transported to the Old Executive Office Building and
4 Bill Kennedy's office and moved by myself.

5 Q And what was the reason you felt that that
6 would be a good idea?

7 A Well, at that point in time, there were
8 questions not only of political sensitivity but also
9 because there were inquiries made by the Congress
10 regarding the events surrounding Vince Foster. Also
11 at that time, there was, I think -- there were
12 current Congressional inquiries on the Madison
13 Guaranty matter, and document handling was a
14 sensitive issue in general at the White House.

15 Q Sensitive among whom?

16 A Sensitive among I think everybody at the
17 White House but particularly with the counsel's
18 office.

19 Q What were the discussions about that
20 sensitivity?

21 MR. TODD: What --

22 BY MR. CHERTOFF:

1 Q What were the discussions about that
2 sensitivity?

3 A That I participated in?

4 Q Yes.

5 A If you can give me a little bit more
6 context, then I think I would have a better idea.

7 Q You said there was sensitivity in the White
8 House during this period of time about record
9 handling. What is your basis for saying there was
10 sensitivity. What were the discussions that made you
11 aware that there was this sensitivity?

12 A Well, the fact that we had to respond to
13 Congressional inquiries and media inquiries which
14 cast questions about how records had been handled
15 immediately after Mr. Foster died, about the kinds of
16 records that had circulated with regard to Madison
17 Guaranty within the White House, about the
18 preservation of records.

19 This was not a secret. This was not just
20 being discussed within the White House and the White
21 House counsel's office. This was being discussed
22 publicly. So I think that it was something that was

1 generally well accepted.

2 Q But what was the discussion about this
3 within the White House counsel's office?

4 MR. TODD: Objection; asked and answered
5 and assumes that there was a discussion and that
6 prompted the acts of the witness.

7 MR. CHERTOFF: I'm not asking what prompted
8 the acts now. I'm asking a different question.

9 BY MR. CHERTOFF:

10 Q What, if any, was the discussion within the
11 White House counsel's office about these
12 sensitivities you have just mentioned?

13 A With regard to the first part of your
14 question, whether there was a discussion, I think
15 that there were discussions about issues that related
16 to document handling which may have involved the
17 productions that we have spoken about earlier in this
18 deposition, and I think that that was the context in
19 which those discussions took place. The general rule
20 was to try to make sure to preserve everything, to
21 demonstrate that you preserved everything or made a
22 diligent attempt to preserve as much as you could and

1 to produce as broadly as possible documents which may
2 be responsive to questions.

3 Q In May of 1994, what discussions did you
4 either participate in or hear about in the White
5 House counsel's office about concerns about the
6 handling of Vincent Foster's documents?

7 A Well, I will address the documents that we
8 are talking about that are referenced in this memo
9 first.

10 Q No. I would like you --

11 A I will address these first. I will be
12 happy to talk about any others as you wish. Since
13 this is sort of the matter in front of us, I will
14 take it on first.

15 With regard to this, the discussions were
16 trying to memorialize who had come into contact with
17 these documents, what had been done in that contact
18 with these documents, how the documents had been
19 addressed or disposed of, if they were action items
20 and how they would be stored and catalogued.

21 Q Who participated in these discussions?

22 A With regard to these documents, Bill

1 Kennedy, myself, Marvin Krislov, and those are the
2 people I have firsthand knowledge who participated in
3 the discussion.

4 Q Now, what were the discussions about the
5 documents that had originally been in Vincent
6 Foster's office on July 20th, 1993 that were not
7 included in the set of documents in Exhibit Z403?

8 A I'm sorry. Can you repeat the question
9 please.

10 MR. CHERTOFF: Let me get it read again.
11 (The reporter read the record as requested.)

12 THE WITNESS: During this time period I did
13 not have discussions -- I did not have discussions
14 prior to May 3rd regarding those documents with
15 anybody in the White House office staff.

16 BY MR. CHERTOFF:

17 Q What about after May 3rd?

18 A Yes.

19 Q What were the discussions and with whom?

20 A I think that that would fall within
21 privilege.

22 Q Except for your own attorney. I'm not

1 talking about your conversations with your own
2 attorney. I'm talking about conversations with
3 people in the White House concerning the documents
4 after May 3rd.

5 MR. TODD: Objection as to that question,
6 again as it pertains to that brief period that we
7 discussed off the record.

8 MR. CHERTOFF: I want to make sure I'm
9 clear on this.

10 BY MR. CHERTOFF:

11 Q I'm not asking you for discussions you had
12 with an attorney that was personal to you, if any. I
13 am referring only to discussions had with people at
14 the White House concerning the documents other than
15 those in Z403 after May 3rd. What were the
16 discussions and with whom did you have them?

17 A The discussions that I had, the objective
18 of those discussions was to obtain a referral for
19 legal advice.

20 Q Other than -- who did you have the
21 discussion with?

22 A Neil Eggleston.

1 Q Putting aside who he recommended, what was
2 the discussion with Neil Eggleston?

3 MR. TODD: Objection. I instruct the
4 witness not to answer.

5 MR. CHERTOFF: What basis?

6 MR. TODD: Privilege.

7 MR. CHERTOFF: Which privilege?

8 MR. TODD: The attorney-client privilege.

9 MR. CHERTOFF: Is it your position that
10 Mr. Eggleston was personally representing
11 Mr. Castleton? Or that Mr. Castleton went to
12 Mr. Eggleston for personal advice as a personal
13 attorney?

14 MR. TODD: The latter.

15 MR. KRAVITZ: I have to say for the record
16 I agree with that assertion of privilege.

17 BY MR. CHERTOFF:

18 Q Putting aside that conversation with
19 Mr. Eggleston, was there any other conversation about
20 the documents we have been talking about in the last
21 moment or two with someone in the White House?

22 A No.

1 Q When did you have that conversation with
2 Mr. Eggleston?

3 A I believe it was sometime in May.

4 Q What caused you to want to go to
5 Mr. Eggleston?

6 MR. TODD: Objection. That necessarily
7 implies the content of the conversation and it is
8 covered by the attorney-client privilege, in my
9 judgment. I instruct the witness not to answer.

10 BY MR. CHERTOFF:

11 Q I want to know not what you told your
12 attorney but what event, if any, occurred that
13 prompted you to decide you wanted to see an
14 attorney.

15 MR. TODD: Objection. As the way it is
16 phrased, Michael, it necessarily reveals
17 communication that may have occurred between this
18 young man and a counsel.

19 BY MR. CHERTOFF:

20 Q When did you make the decision to go seek
21 an attorney?

22 A I believe it was sometime in May.

1 Q Was it caused by your receiving a subpoena
2 or some kind of inquiry from an investigating
3 agency?

4 MR. TODD: Objection, for the same
5 reasons. To clarify my position, I believe you can
6 ask him about events chronologically, but my
7 objection is that you are coupling events with a
8 question of what is in his mind, which necessarily
9 reveals, possibly, what he may have communicated with
10 an attorney.

11 MR. CHERTOFF: I want to make this clear
12 for the record. I don't think the test of the
13 privilege is that something might reveal something
14 that was possibly said to an attorney. It is
15 revealing something that was said to an attorney.
16 The underlying facts or the underlying circumstances
17 don't become privileged because you later talk about
18 them with an attorney.

19 BY MR. CHERTOFF:

20 Q I don't want to know what you told your
21 attorney. I want to know in the period immediately
22 before you went to your attorney, was there an event

1 that occurred in connection with these documents?

2 A Yes.

3 Q What was that?

4 A I believe that I read a news item which
5 referred to a transfer of documents from Vince
6 Foster's office to the residence.

7 Q Now, was that prepared after -- did you
8 read that news item after you had prepared Z403?

9 A That is my best recollection.

10 Q Why did you mark Z403 "draft"?

11 A Because it was not a final.

12 Q Were you going to show it to somebody?

13 A My intent was to submit it for review
14 because as a matter of course, whenever I wrote a
15 memo and in particular something sensitive, I would
16 submit it for the review of somebody on the White
17 House counsel staff.

18 Q Did you submit that for review?

19 A I don't believe I submitted this for
20 review, no.

21 Q Why not?

22 A Because it was not in the form that I felt

1 that it was necessary to be submitted for review.

2 This was something -- it was my own working draft
3 copy.

4 Q Well, did there come a time you prepared it
5 in final form?

6 A Yes.

7 Q I'm going to show you Exhibit -- first let
8 me show you Z406 to 410 and ask you if you recognize
9 that.

10 (Witness examined the document.)

11 A Yes.

12 Q When did you prepare that?

13 A May 10th of '94.

14 Q What caused you to prepare that?

15 A I believe it was a request that was -- a
16 request from Joel Klein.

17 Q And was that request made at a point at
18 which you had shown Mr. Klein Z403 and 404?

19 A I never showed Mr. Klein Z403 and 404.

20 Q It is a coincidence that the dates are a
21 week apart?

22 A That's right. Well, I don't know that it

1 was a coincidence. There were related events that
2 were taking place.

3 Q What were the events?

4 A I don't remember specifically what they
5 were. But I know that this was an active time
6 period. It might have been production was taking
7 place or we were in the process of responding to
8 something.

9 Q Did you talk to Mr. Klein about the subject
10 matter of the documents that had been moved into the
11 residence?

12 A No.

13 Q Is the list that is contained in pages Z407
14 to 410 a list that you generated yourself based upon
15 Exhibit Z412 to 415 which you previously testified
16 about?

17 A Setting aside the issue about the
18 discrepancy between the note and the rest of this
19 document, Z412 through Z415, this was a transcription
20 of and an update of Z413 through Z415.

21 Q On May 3rd, 1994, when you prepared the
22 draft, Z403 to Z404, did you consider whether to make

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1 a notation or prepare a memo, a separate memo
2 concerning your carrying documents up to the
3 residence?

4 A I'm sorry? At what time period are we
5 talking about?

6 Q On or before May 3rd, 1994. Did you
7 consider --

8 A No.

9 Q Let me get the question out. Did you
10 consider either putting into this memo or in a
11 separate memo a record of the fact that you carried
12 documents up to the residence?

13 A No.

14 Q That never occurred to you?

15 A Not at that point. It had not occurred to
16 me as of May 3rd.

17 Q Did there come a point in time it did occur
18 to you that you had to do that?

19 A There came a point in time when I felt like
20 I should do that.

21 Q Was that based on that newspaper article in
22 part?

1 A I believe so.

2 Q Did the newspaper article remind you of the
3 event at the residence or did it cause you to think
4 that it might become an issue?

5 A I believe that it reminded me of its
6 relevance to the unfolding events.

7 Q Putting aside Mr. Eggleston, was there
8 anyone else you talked to in the White House
9 concerning the event where you moved the box or boxes
10 into the residence during May 1994?

11 A I don't recall.

12 Q I am going to show you -- did you ever find
13 out how the story of your movement of the box or
14 boxes into the residence got into the newspaper?

15 A No.

16 Q Did you ever ask anybody?

17 A No.

18 Q Did anybody ever ask you?

19 A No.

20 Q What did the story say, as best you can
21 recall?

22 A Well, the story didn't refer to me. It

1 referred to Maggie Williams.

2 Q And what did it say, as best as you recall?

3 A I think the only part that I remember is
4 the reference to Maggie Williams having moved
5 documents or a box to the residence, and I think that
6 that was sufficient for me to react.

7 Q When you -- on or after the day you saw the
8 article, did you contact Maggie Williams to talk to
9 her about this?

10 A No.

11 Q Did she contact you?

12 A No.

13 Q Did anybody make an effort to contact you
14 about it?

15 A No.

16 Q Since the day that article appeared, have
17 you ever had a conversation with Maggie Williams
18 about this?

19 A No.

20 Q I'm showing you Exhibit 621 and 622, both Z
21 exhibits, and ask you if you recognize that.

22 (Witness examined the document.)

1 A Yes.

2 Q How did that get prepared?

3 A This was the final form of the earlier
4 draft which you just showed me, which was dated May
5 3rd.

6 Q Would you read into the record the portion
7 or the sentence or sentences you added to the May
8 26th draft that were not present in the May 3rd
9 draft?

10 A Well, I think that there were more than
11 sentences. I think there was also format. There may
12 have been other changes in the document. I don't
13 think that they are identical.

14 Q Are there two sentences you added regarding
15 the removal of the box or boxes to the residence?

16 A I added content which made reference to
17 that, yes.

18 Q You want to read that?

19 A "Shortly after Mr. Foster's suicide, I
20 helped transport files originating in Mr. Foster's
21 office to a room in the residence."

22 That's the reference.

1 Q Keep reading.

2 A "I had no other contact with files kept in
3 Mr. Foster's inner office until I began the transfer
4 of his office contents in early November."

5 Q Let me move up earlier where it says "it
6 was my understanding." Read the passage there. "It
7 was my understanding that certain documents had
8 already been removed."

9 A "It was my understanding that certain
10 documents and files had already been removed from
11 Mr. Foster's office for the purposes of complying
12 with ongoing or past investigations and were being
13 held by either Mr. Nussbaum, another attorney on our
14 staff, the First Lady or the President and First
15 Lady's personal attorneys."

16 Q Now, what does that refer to?

17 A This refers to the earlier document which
18 we were talking about which had notations where files
19 had been quote, unquote, removed.

20 Q Well, let me make sure I understand it. As
21 I have -- maybe Neal, can I borrow your copy. It is
22 hard to work with only one.

1 As I understand it, your referring to
2 documents that had been removed is a reference to the
3 list where you talked about categories of documents
4 that had been taken out at an earlier point in time;
5 correct?

6 A With reference to the language in this
7 memo? Yes.

8 Q Were there any documents that were removed
9 that you were aware of other than the box or boxes
10 which you took up to the residence?

11 A Since I didn't know what was, in specific
12 terms, in that box or boxes, then I couldn't
13 necessarily say that there were additional documents,
14 because I don't know what was included in that.

15 Q What was the basis of your saying,
16 therefore, that documents removed from Mr. Foster's
17 office were being held by Mr. Nussbaum or another
18 attorney on the staff?

19 A I'm sorry. The question again.

20 Q What was the basis of your saying that
21 documents removed from Foster's office were being
22 held by Mr. Nussbaum or another attorney on the

1 staff? What documents did those refer to?

2 A I didn't have any specific document in
3 mind, but my understanding again being that those
4 documents which had been removed were in the
5 possession of either Mr. Nussbaum, another attorney
6 on our staff, the First Lady or the President and
7 First Lady's personal attorneys.

8 Q Now, I notice in the memo you distinguish
9 between documents held by the First Lady and
10 documents held by the first family's personal
11 attorneys. What was your understanding of what
12 documents were being retained by the First Lady and
13 what were being retained by the President and First
14 Lady's personal attorneys?

15 A To clarify the language, the way that the
16 sentence reads, it is meant to explain a universe of
17 possibilities in terms of who may have possession of
18 these documents. It is not meant to be a definitive
19 statement. It is just meant to explain whom I had
20 personal awareness of having either had these
21 documents at one point or another or the possibility
22 of somebody having had those documents and possibly

1 still retaining them.

2 Q What was the basis of your concluding that
3 the President and First Lady's personal attorneys had
4 the documents?

5 A Because there had been documents that I
6 knew the counsel's office had worked with the
7 personal attorneys of the first family that had
8 previously, I believe, been in the counsel's office.

9 Q What documents are those?

10 A I don't have any specific recollection or
11 first instance knowledge about them, but I knew that
12 there was a general understanding, again, within the
13 office that there were files and documents which had
14 been turned over to the personal attorneys.

15 Q Directly?

16 A I don't know what means they were turned
17 over or what context there was.

18 Q Where did you get that understanding from?

19 A It would have just been a general knowledge
20 understanding.

21 Q Who turned them over to the President and
22 First Lady's personal attorneys?

1 A Well, maybe if we talk about a possible
2 specific file. Something like the financial
3 disclosure statements would, as a matter of routine,
4 a copy of those would be given to the personal
5 attorneys of the first family.

6 Q The question here is --

7 MR. TODD: May I just clarify something,
8 Michael.

9 THE WITNESS: This is not something that I
10 know from first instance, but it is something that I
11 think would be reasonable to expect.

12 MR. TODD: I just want to distinguish the
13 inferences from firsthand knowledge or something
14 else.

15 BY MR. CHERTOFF:

16 Q I want to understand what was in your mind
17 when you prepared this document. Now, Z621 and 622
18 was your second draft of this; correct?

19 A This is my third draft as far as I have a
20 record.

21 Q You have a record of an additional draft?

22 A There is a May 10th draft.

1 Q Have you been shown the May 10th draft?

2 Have I shown you the May 10th draft here?

3 A You haven't shown it to me.

4 MR. TODD: Can we go off the record.

5 MR. CHERTOFF: Sure.

6 (Discussion off the record.)

7 BY MR. CHERTOFF:

8 Q So, Z621 and 622 was your third draft on
9 this?

10 A That's correct.

11 Q It was a document you knew to be important;
12 right?

13 A Yes. That was my understanding.

14 Q I'm just trying to get here what you had in
15 mind when you separated the documents that might be
16 held by the First Lady versus the documents that
17 might be held by the President and First Lady's
18 personal attorneys.

19 What was your basis to believe documents
20 that were removed from Mr. Foster's office had been
21 turned over to the personal attorneys?

22 A Again, this is not meant to be a definitive

1 statement as to who had particular files or
2 documents. It is meant to be a range or a universal
3 of possibles who may have had or had possession at
4 this particular point in time, November 10th,
5 possession of those documents. Because we had taken
6 these files or this box or boxes that I understood to
7 have certain files that originated in Mr. Foster's
8 office to the residence, one of those possibilities
9 was that the First Lady may have had them. But this
10 is not meant to in any way be a definitive statement
11 that she did in fact have them.

12 Q You know at a point in time the First Lady
13 had them because you left them up in the residence
14 for at least one point in time; correct?

15 MR. TODD: Objection.

16 MR. CHERTOFF: He can answer.

17 MR. TODD: I don't recall him ever saying
18 anything about handing anything to the First Lady.

19 MR. CHERTOFF: I withdraw the question.

20 BY MR. CHERTOFF:

21 Q You understand the residence is within the
22 custody and control of the First Lady and the

1 President; is that right?

2 MR. TODD: Objection. That's a legal
3 conclusion. He is not in a position to comment on
4 that.

5 BY MR. CHERTOFF:

6 Q You can answer the question. I'm trying to
7 get into his state of mind.

8 A My answer would be I would not necessarily
9 infer that, because I don't know what happened to
10 that box after I deposited it there.

11 Q What would lead -- what led you to the
12 conclusion that the box or part of the box wound up
13 in the personal attorneys' hands?

14 A Because if indeed they did contain the
15 kinds of documents which I believed that they
16 contained, it would have been a natural inference.

17 Q And that's the basis of your writing that
18 they were in the hands of the personal attorneys?

19 A I didn't say that they were. I said that
20 they could be.

21 Q Possibly. What did you understand were the
22 contents of the documents you took up to the

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1 residence?

2 MR. TODD: Objection; asked and answered.

3 BY MR. CHERTOFF:

4 Q Go ahead.

5 A Did you ask me about the basis?

6 Q What did you understand were the documents
7 that were transported up to the residence?

8 A Personal and financial documents related to
9 the first family.

10 Q Did you have any understanding about the
11 specifics of any of those documents?

12 A No.

13 Q Had you ever seen -- withdrawn.

14 Did there ever come a point when you
15 transported them up from the beginning to the end
16 that you saw any of the documents inside?

17 A No.

18 Q Did Ms. Williams mention the content of any
19 of the documents to you?

20 MR. TODD: Objection; asked and answered.

21 THE WITNESS:

22 BY MR. CHERTOFF:

1 Q Go ahead. You can answer.
 2 A Well, I believe that we have discussed
 3 this. They were personal and financial documents
 4 related to the first family.
 5 Q She didn't get more specific than that?
 6 A No.
 7 Q I would like to show you Exhibit Z411 and
 8 ask you if you recognize the handwriting.
 9 (Witness examined the document.)
 10 Is that your handwriting?
 11 A I don't think so.
 12 Q Do you recognize it?
 13 A No. That's not my handwriting.
 14 Q Do you remember that in late April of 1994
 15 the First Lady held a press conference in which the
 16 issue of the documents came up?
 17 A April of -- I'm sorry?
 18 Q In late April of 1994, specifically on
 19 April 22nd, the First Lady held a press conference in
 20 which the issue of the documents came up.
 21 A I don't have a specific recollection that
 22 would pin down any particular date associated with

1 that event.
 2 Q Do you remember the press conference in
 3 which the subject of Whitewater came up and the First
 4 Lady answered questions?
 5 A In a general sense, I do remember that,
 6 yes.
 7 Q Did you watch the press conference?
 8 A No.
 9 Q Did you read about the press conference?
 10 A Yes.
 11 Q Did you become aware of the fact that
 12 during the press conference the question of Maggie
 13 Williams having transported the documents or removed
 14 the documents came up?
 15 A Am I aware now?
 16 Q Uh-huh?
 17 A No, I don't think so, not as of the time
 18 you just told me.
 19 Q Are you aware that in the press conference
 20 the question came up of removal of documents from
 21 Mr. Foster's office?
 22 A I really don't have much of a recollection

1 about the accounts that I read on the press
2 conference. Everything you ask me will probably be
3 on the basis of us having discussed it just now.

4 I remember it in a general sense. I don't
5 remember this particular issue being addressed in the
6 press conference.

7 Q Did there come a point in time that you
8 became aware that this memo that you had written on
9 May 26th or some portion thereof got out to the
10 press?

11 A I became aware that -- yes. I became aware
12 that at some point in time, a portion of this memo
13 became available to the press.

14 Q And last August, were there stories in the
15 paper about the fact that the first -- for the first
16 time identifying the fact that Maggie Williams had
17 actually moved the box holding the files to
18 supposedly a locked White House closet?

19 A I don't know. I don't have any firsthand
20 knowledge of that. I don't know what the timing
21 was. I remember that there were stories. If you
22 tell me that its true, then I believe you.

1 Q Did anyone contact you or discuss with you
2 anything concerning this portion of the memo that
3 seemed to get out to the press?

4 A Yes.

5 Q Who?

6 A Michael Isikoff.

7 Q Who is Michael Isikoff?

8 A He is a reporter for Newsweek.

9 Q Did he ask you questions?

10 A Yes.

11 Q And what did you do?

12 A I tried to assert what memo he was talking
13 about.

14 Q I beg your pardon?

15 A I tried to assert what memo he was talking
16 about.

17 Q Which memo?

18 A I was trying to figure out which memo he
19 was addressing. I had a file copy of things that I
20 had generated, and I was trying to look through to
21 see what he was reading off of.

22 Q And after your con -- do you know how he

1 got the memo?

2 A No.

3 Q After your conversation with him, did you
4 have any conversation with anybody in the White House
5 concerning this memo?

6 A Yes.

7 Q With whom?

8 MR. TODD: May I ask that we pause for just
9 a moment to clarify something?

10 MR. CHERTOFF: Okay.

11 (Counsel conferred with the witness.)

12 (The reporter read the record as requested.)

13 THE WITNESS: Conversations with Michael
14 Isikoff?

15 BY MR. CHERTOFF:

16 Q After the conversation with Michael
17 Isikoff, with whom did you have conversations about
18 this in the White House?

19 A I had a brief conversation with Neil
20 Eggleston, and then I had another conversation with
21 John Podesta.

22 Q At the time you had your conversation with

1 Neil Eggleston, you had your own personal counsel;
2 correct?

3 A That's right.

4 Q Different than Mr. Eggleston?

5 A That's right.

6 Q So you were not dealing with Mr. Eggleston
7 as your attorney at that point?

8 A That's right.

9 Q What was your conversation with
10 Mr. Eggleston?

11 A Well, the conversation was essentially how
12 to handle the inquiry, because I had not answered the
13 inquiry. I had just tried to determine which memo
14 was involved.

15 Q And what did Mr. Eggleston tell you to do?

16 A He didn't give me any advice on it. He
17 said that it was not something that he could handle
18 by himself and so therefore somebody else should be
19 called in to help out.

20 Q And who was called in?

21 A John Podesta.

22 Q What was his position at this time?

1 A Staff secretary.
 2 Q Did you meet with Mr. Podesta?
 3 A Yes.
 4 Q In his office?
 5 A Uh-huh.
 6 Q Who else was present?
 7 A Mr. Eggleston.
 8 Q And anybody else?
 9 A No. That was it.
 10 Q Was there any record made of the meeting?
 11 A No.
 12 Q And what occurred in the meeting?
 13 A We discussed the inquiry and we discussed
 14 the contents of the memo.
 15 Q What was the discussion?
 16 A It was essentially to assert what the memo
 17 meant, what it was referring to.
 18 Q In English, what did Mr. Podesta and/or
 19 Mr. Eggleston tell you to do?
 20 MR. TODD: Objection to the
 21 characterization.
 22 Go ahead.

1 THE WITNESS: I believe that they -- they
 2 didn't advise me as to what to do personally. I
 3 think the understanding was that I would not be
 4 dealing and my preference was frankly not to deal
 5 with Mr. Isikoff personally.
 6 BY MR. CHERTOFF:
 7 Q So, someone else was going to respond; was
 8 that the decision that was made?
 9 A Right.
 10 Q And who was going to respond?
 11 A Whoever in the White House would respond.
 12 I don't know if it was determined at that point in
 13 time that a speech person would respond.
 14 Q In this meeting with Mr. Podesta,
 15 Mr. Eggleston and yourself, who said what to whom?
 16 A It was a lengthy meeting.
 17 Q Give us your best.
 18 A We just -- can I have a copy of the memo?
 19 Q Sure.
 20 (Witness examined the document.)
 21 THE WITNESS: Can I have two minutes? I
 22 need to consult very quickly.

1 MR. CHERTOFF: Okay.

2 (Witness conferred with counsel.)

3 MR. CHERTOFF: Read back the question,
4 please.

5 (The reporter read the record as requested.)

6 THE WITNESS: I believe the meeting began
7 when Neil summarized what the issue was and that
8 Mr. Isikoff had contacted me. I believe that he had
9 obtained a redacted version of the document, so we
10 discussed that. At that point we took a copy of the
11 memo and just went through it, essentially just to
12 try to assert what was being referred to, and we just
13 took it sequentially and discussed parts that they
14 had questions about or wanted to clarify in order to
15 be able to address the inquiry.

16 BY MR. CHERTOFF:

17 Q Was that the complete memo that they looked
18 at, reviewed?

19 A This March -- the May 26th?

20 Q Were they looking at a redacted version?

21 A No. We looked at the complete memo.

22 Q What was the discussion concerning the

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1 paragraph about responding to ongoing investigations
2 with certain documents being removed to Mr. Nussbaum
3 or the other lawyer or the First Lady or the
4 President and First Lady's attorneys? What was the
5 discussion about that passage?

6 A Well, the discussion was to assert what I
7 had meant by that particular sentence, whether it was
8 that I had firsthand knowledge that there were
9 certain documents or particular documents that were
10 in the possession of Mr. Nussbaum or other particular
11 attorneys or the First Lady or personal lawyers. We
12 discussed that for a substantial amount of time.

13 Q What was to discuss? I mean, you knew what
14 you had intended; right?

15 A That's right.

16 Q So what was the necessary discussion,
17 then? Once you had explained what your intent was in
18 the passage, what needed to be discussed?

19 A We discussed something along similar lines
20 to what we have been discussing regarding the same
21 sentence.

22 MR. CHERTOFF: Let's break here and take

1 your call.

2 (Recess.)

3 BY MR. CHERTOFF:

4 Q In this portion of the discussion, they
5 asked you what you meant in this sentence?

6 A That's right.

7 Q And you told them?

8 A Right.

9 Q And then what did they say?

10 A They asked me to clarify why I had worded
11 it that way.

12 Q And you told them?

13 A And I explained to them essentially what I
14 explained to you, that it was meant to explain a
15 universe of possibles and not to assert that any
16 particular person had any particular document.

17 Q And then what further discussion was there
18 on this?

19 A I think there was some discussion on who
20 was going to handle, within the White House, the
21 press inquiry.

22 Q What was the further discussion on this

1 particular sentence which you testified a few moments
2 ago was substantial?

3 A Well, it did take a long time just to be
4 able to get that point across.

5 Q They were having trouble understanding what
6 you meant?

7 A Yes.

8 MR. KRAVITZ: The record will reflect how
9 long it took for you to understand, Mike.

10 MR. CHERTOFF: But I don't get to work in
11 the White House counsel's office.

12 BY MR. CHERTOFF:

13 Q What was the discussion on the next
14 sentence involving the movement of the boxes to the
15 residence?

16 A I don't think that there was that much
17 discussion on that sentence. I think it was just
18 basically, again, point of clarification as to what
19 particular event that had been, and once that was
20 addressed, that settled the issue relatively
21 quickly.

22 Q Did you relate to them the story of how you

1 in fact had come to take the box over to the
2 residence?

3 A Maybe a brief version of the story. I
4 think that they probably were at that point familiar
5 enough with it.

6 Q How would they have been familiar with it?

7 A Again, that's not a statement of fact. But
8 we didn't discuss it for a great length of time.

9 Q Did they tell you someone was going to make
10 a statement or say something publicly about this
11 memorandum?

12 A No.

13 Q Did they instruct you not to talk to
14 somebody?

15 A I don't think that they asked me not to
16 talk to somebody. My original reaction, actually,
17 upon getting the phone call was to refer it to
18 somebody else. So, I was actually looking to hand it
19 off to someone.

20 Q Did this event have anything to do with
21 your decision, you wanting to move on to another job
22 in government?

1 MR. TODD: I just object as to the scope of
2 that question. It is not really something --

3 MR. CHERTOFF: I think it tends to show the
4 character of the conversation.

5 MR. TODD: I disagree with that.

6 THE WITNESS: I can answer that question.

7 This conversation was not a substantial
8 contributing factor to my decision to seek employment
9 with the Justice Department.

10 BY MR. CHERTOFF:

11 Q Now, you testified earlier in the
12 deposition that you came to learn the content of some
13 of the materials in Vincent Foster's files in his
14 office based on things that you learned after his
15 death. Do you recall that testimony?

16 A I'm sorry?

17 Q You testified earlier in the deposition
18 that at a period after Vincent Foster's death, you
19 did come to learn what the contents of his office
20 files were, or some portion of his office files. Do
21 you remember that testimony?

22 A That's right, uh-huh.

1 Q How did you come to learn that? Through
2 the process of doing the inventory in November?

3 A In part.

4 Q How else?

5 A There was also the discussion that we have
6 recounted or that we have talked about today that
7 took place between myself and Maggie Williams.

8 Q And that indicated, gave you some
9 indication concerning another aspect of the files;
10 correct?

11 A That's right.

12 Q Did you ever come to learn that there was a
13 folder on Whitewater in the files?

14 A Did I ever come to learn that there was a
15 folder dedicated to the Whitewater matter?

16 Q Mentioning Whitewater.

17 A As of this day, I don't have any knowledge
18 of there ever having been a folder either including,
19 quote, unquote, Whitewater documents or devoted to a
20 Whitewater matter.

21 Q Going back to the day you helped Maggie
22 Williams taking documents up to the residence, is it

1 possible that you met her at the entrance to the
2 counsel's suite?

3 A It is possible.

4 Q Did she hand you the box or boxes herself?
5 I withdraw the question.

6 Was there anybody else who used to assist
7 in moving boxes around the counsel's office besides
8 yourself?

9 A There were people who were designated
10 within the White House office to move boxes as part
11 of their normal routine job.

12 Q Did Mr. Livingstone have an assistant
13 approximately your age?

14 A Yes.

15 Q What is his name?

16 A Well, the person I'm thinking of is not
17 male.

18 Q It is a female?

19 A Yes.

20 Q Did he have a male assistant?

21 A I don't recall him having a male assistant
22 approximately my age.

1 Q Did the First Lady or Ms. Williams have a
2 male assistant approximately your age?

3 A Not to my knowledge.

4 MR. CHERTOFF: Okay. No further
5 questions.

6 MR. KRAVITZ: I shouldn't be much more than
7 a half hour.

8 THE WITNESS: I've heard that one before.

9 For the record, my entire conversation with
10 Mr. Podesta was in English.

11 EXAMINATION

12 BY MR. KRAVITZ:

13 Q Mr. Chertoff asked you some questions
14 several hours ago about the layout of the White House
15 counsel's office suite in general and the layout of
16 Mr. Foster's office in particular. Do you remember
17 those questions?

18 A Yes.

19 Q If you were standing in the doorway to
20 Mr. Foster's office looking in the office, would you
21 be able to see Mr. Foster's desk?

22 A Yes.

1 Q Would you be able to see someone sitting at
2 Mr. Foster's desk?

3 A Yes.

4 Q You testified earlier that you did not
5 remember whether you had the alarm in the White House
6 counsel's office turned on when you left work on the
7 night of July 20th, 1993. Do you remember that
8 testimony?

9 A That's right.

10 Q I'm going to show you what has been marked
11 as document Z598. I ask you if you have ever seen
12 that before.

13 A Nope. This is the first time I have seen
14 this document.

15 Q I can represent to you that this has been
16 identified to us as a log of the alarm activity for
17 the White House counsel's office suite for the days
18 July 20, 21 and 22 through 26 of 1993. This document
19 has been interpreted by one or more witnesses to
20 indicate that at 8:04 p.m. on the night of July 20,
21 1993 you did something related to the alarm to cause
22 the alarm to be put on.

1 Does that refresh your memory as to whether
2 you accessed the alarm when you left the office?

3 A I'm sorry. Just to understand your
4 question, are you saying that the document implies
5 that I turned the alarm on at the end of the day, at
6 8:04?

7 Q That's what we have been told.

8 A Okay.

9 Q My only question is, does hearing all that
10 refresh your memory as to whether you were the person
11 who had the alarm turned on at approximately 8:04 on
12 the night of July 20, 1993?

13 A It doesn't make it any more of an immediate
14 memory, but I have no reason to disagree with the
15 record.

16 MR. TODD: Just to clarify, Tom. He is
17 asking you a very simple question. Does having heard
18 that, seen that, looked at that refresh your
19 recollection as to the event he described? If it
20 does refresh it, you can say yes, and then he has
21 another question. If it doesn't, you can say no and
22 hopefully there will not be another question.

1 THE WITNESS: It does not refresh my
2 recollection.

3 BY MR. KRAVITZ:

4 Q On the night of July 20, 1993, did you get
5 detained in the White House counsel's office after
6 causing the alarm to be turned on but before actually
7 physically leaving the office?

8 MR. TODD: Objection to the form, the word
9 "detained."

10 MR. KRAVITZ: It was a word that was used
11 previously.

12 BY MR. KRAVITZ:

13 Q Do you understand the question?

14 A The question sounds to me as if you are
15 asking whether there was an event that caused me to
16 stay within the office suite beyond the period of
17 time that would have normally been allotted between
18 the time that you flip the switch and the time that
19 you left. Is that what the question is?

20 Q That's right.

21 A I don't have a specific recollection as to
22 that happening.

1 Q Do you have any recollection as to that
2 happening on the night of July 20, 1993?

3 A No.

4 Q Do you remember any irregularities with the
5 alarm system in the White House counsel's office on
6 the night of July 20, 1993?

7 A No.

8 Q You don't have any recollection of anyone
9 calling from the control center at any time that
10 night to find out whether the alarm was switched on
11 while someone was in the office?

12 A No.

13 Q I want to direct your attention to the
14 morning of July 21, 1993. At any time that morning,
15 was Stephen Neuwirth present in the White House
16 counsel's office suite in the west wing?

17 A I don't specifically remember him being
18 there during the morning that day.

19 Q Do you have any general recollection of
20 Mr. Neuwirth being present in the White House
21 counsel's office suite on the morning of July 21?

22 A No.

1 Q So, you have no recollection of
2 Mr. Neuwirth standing in the doorway to Mr. Foster's
3 office that morning?

4 A No.

5 Q Did anyone from the White House counsel's
6 office staff stand in the doorway to Mr. Foster's
7 office on the morning of July 21, 1993 and tell other
8 employees that they could not go into Mr. Foster's
9 office?

10 A I don't have a specific memory of anybody
11 standing in front of Vince's doorway and telling
12 people or announcing that they were not to go in
13 there.

14 Q Do you have any recollection of anyone
15 standing either in or in front of Mr. Foster's
16 doorway at all that morning?

17 A Well, I'm sorry. Is the question whether
18 anybody stood in front of or near Mr. Foster's
19 doorway that morning?

20 Q What's your recollection about that?

21 A There was a Secret Service officer who was
22 stationed there.

1 Q Before the time that the Secret Service
2 officer or officers were stationed in front of
3 Mr. Foster's office on July 21, did anyone stand in
4 the doorway?

5 A No.

6 Q You testified earlier about a time on July
7 21, 1993 that Mack McLarty came into the White House
8 counsel's office suite?

9 A That's right.

10 Q Was that before or after the Secret Service
11 guard was posted outside Mr. Foster's office?

12 A I don't recall.

13 Q Who came into the office, into the White
14 House counsel's office suite first on the morning of
15 July 21, 1993, Mr. McLarty or President Clinton?

16 A It was Mack.

17 Q Mr. McLarty?

18 A That's right.

19 Q Are you sure that Mr. McLarty came in at a
20 different time than President Clinton came in?

21 A Yes.

22 Q You testified earlier, I believe, that

1 while President Clinton was in the White House
2 counsel's office suite, you have no recollection of
3 Mr. Nussbaum going into Mr. Foster's office to
4 retrieve a photograph?

5 A That's right.

6 Q Is there any confusion in your mind on that
7 subject?

8 A Well, the confusion would just be based on
9 me not having that specific memory, if indeed it is
10 the case.

11 Q Are you positive that when Mr. McLarty was
12 in the White House counsel's office suite on the 21st
13 of July, Mr. Nussbaum went into Mr. Foster's office
14 to retrieve the photograph, or is it possible that
15 that happened when the President was in the office?

16 A My memory is that he retrieved it while
17 Mack was in the office, separately and apart from the
18 President.

19 Q And your testimony is that you think that
20 you went into Mr. Foster's office with Mr. Nussbaum
21 at that time?

22 A Right.

1 Q And I believe you said -- let me just ask
2 you. Why again was it that you went into
3 Mr. Foster's office when Mr. Nussbaum went in there?

4 A I don't have a specific recollection as to
5 why I would have followed him in.

6 Q You said something about knowing where the
7 photograph was located?

8 A I said that that might be a reason. It
9 might be a possible reason, that I may have pointed
10 out to him where that photograph was located in the
11 office.

12 Q Where was that photograph located?

13 A It was on a shelf where Mr. Foster had
14 other photographs of his family and perhaps other
15 friends, mostly his family.

16 Q How did you know that the photograph was
17 located there?

18 A Because it was in plain view. It was right
19 there.

20 Q Did you have any reason to believe that
21 Mr. Nussbaum did not know where that photograph was
22 located?

1 A As of July 21st, no specific reason, no.

2 Q Did Mr. Nussbaum do anything in
3 Mr. Foster's office at this point on July 21, 1993
4 other than retrieve the photograph?

5 A No.

6 Q Did Mr. Nussbaum look around in the office?

7 A No.

8 Q Did you look around in Mr. Foster's office
9 when you were in there with Mr. Nussbaum on July 21?

10 A I don't recall looking around. I think it
11 was a very quick entry and exit to retrieve the
12 photograph.

13 Q Did either you or Mr. Nussbaum touch
14 anything in the office other than that one photograph
15 that Mr. Nussbaum removed?

16 A No.

17 Q Did Mr. McLarty go into the office with
18 you?

19 A Not to my knowledge.

20 Q When you met with Mr. Neuwirth, Ms. Gorham,
21 Ms. Pond and Ms. Tripp on the night before your Park
22 Police interview, did Mr. Neuwirth instruct you or

1 anyone else in that group to keep any information
2 away from the Park Police investigators when you were
3 interviewed the next day?

4 A Absolutely not.

5 Q Did Mr. Neuwirth instruct you or advise you
6 to be forthcoming with information?

7 A Yes.

8 Q Do you remember what words Mr. Neuwirth
9 used to that effect?

10 A No, I don't remember specifically what
11 words he used.

12 Q I apologize for jumping around. I actually
13 want to go back again to the morning of July 21, 1993
14 in the White House counsel's office.

15 You testified that at some point Craig
16 Livingstone came into the White House counsel's
17 office suite that morning?

18 A I have a general recollection of having
19 seen him come in at some point.

20 Q At some point on the morning of July 21,
21 1993?

22 A Before noon.

1 Q What is your best recollection as to what
2 time it was that Mr. Livingstone came into the
3 counsel's office suite that morning?

4 A I don't have a specific time that I could
5 associate it with.

6 Q Was it closer to eight in the morning or
7 was it closer to noon?

8 A It was -- I don't know. I don't think it
9 was closer to 8:00 in the morning. It was probably
10 midmorning.

11 Q Was the Secret Service guard posted yet?

12 A I'm not sure. The Secret Service guard was
13 posted, actually -- never mind. I don't remember
14 exactly when he was posted. But the office was
15 sealed I think sometime between 10:30 and 11:30.

16 Q When you say "sealed," do you mean the
17 Secret Service guard was posted?

18 A No. I mean after the guard had been
19 posted, then finally came in and installed the new
20 lock on the door and did whatever it was that they
21 had to do in order to -- or installed the procedures
22 that they had to install.

1 Q Your memory is that this lock was installed
2 on Vince Foster's office door at some time around
3 10:30 in the morning on July 21?

4 A Between 10:30 and 11:30.

5 Q What did Mr. Livingstone do when he came
6 into the White House counsel's office on the morning
7 of July 21, 1993?

8 A I believe that he just -- my memory is that
9 Bill Kennedy was also in the office, and they
10 commiserated about Mr. Foster. I don't know what
11 other discussions they may have had. But they talked
12 very briefly and commiserated with each other, and
13 that was essentially all I remember.

14 Q Where did the conversation between
15 Mr. Livingstone and Mr. Kennedy take place within the
16 counsel's office suite?

17 A In the front office.

18 Q Did Mr. Livingstone go into Mr. Nussbaum's
19 office at any point that morning?

20 A I don't remember that happening.

21 Q Your testimony is that to the best of your
22 recollection, Mr. Livingstone was not carrying

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1 anything?

2 A Yes.

3 Q Neither when he came into the White House
4 counsel's office suite nor when he left the White
5 House counsel's office suite?

6 A Well, to narrow the question, he was not
7 carrying files or a box. He may have been carrying
8 something else, something smaller. It would not have
9 been unusual for him to be carrying around his
10 security pass, for example. So, something of the
11 nature of a box or files he was not carrying.

12 Q Was Mr. Livingstone carrying a briefcase at
13 any point when you saw him on July 21, 1993?

14 A I don't know.

15 Q You don't have any recollection of
16 Mr. Livingstone carrying a briefcase that morning?

17 A That's right.

18 Q When you went into Mr. Foster's office with
19 Mr. Nussbaum on the morning of July 21, 1993, when
20 Mr. Nussbaum was going in to retrieve the photograph
21 to show to Mr. McLarty, did you notice whether
22 Mr. Foster's briefcase was in the office?

1 A No, I did not.

2 Q I want to direct your attention to the
3 subject of the movement of that box or boxes up to
4 the White House residence. Okay?

5 You testified at some point that you picked
6 up the box or boxes from an office that was within a
7 30-foot walk from the White House counsel's office
8 suite. Do you remember that testimony?

9 A Approximately, yes.

10 Q How many offices are there on the second
11 floor of the west wing that are within a 30-foot walk
12 from the front of the White House counsel's office
13 suite?

14 A Only two.

15 Q Which two offices are those?

16 A The office of the First Lady and Maggie
17 Williams's office.

18 Q Does that lead you to the conclusion that
19 you picked up this box or boxes from one of those two
20 locations?

21 A Are you asking me to draw an inference?

22 Q I'm asking you if you can.

1 A If I were going to draw an inference and
2 were asked to, then I would say that that makes
3 logical sense.

4 Q Are you positive that you picked up the box
5 or boxes from an office that is within 30 feet from
6 the front of the White House counsel's office suite?

7 A That's my approximation, about 30 feet.
8 And my recollection is that it was either the First
9 Lady's office or Maggie Williams's office.

10 Q So, it is your recollection that you got
11 the box or boxes from one of those two offices?

12 A That's right.

13 Q Now that we have moved this far, do you
14 have any recollection as to which of those two
15 offices it was that you picked up the box or boxes?

16 A No.

17 Q Was it an office that had just one -- was
18 it a suite that had just one office as opposed to a
19 suite that had more than one office in it?

20 A I don't recall.

21 MR. CHERTOFF: Excuse me just a second.
22 (Pause.)

1 BY MR. KRAVITZ:

2 Q Has talking about what it is that you
3 brought up to the residence refreshed your memory at
4 all as to whether it was one box or more than one
5 box?

6 A Talking about it today?

7 Q Right.

8 A No.

9 Q How large was this box or were these boxes?

10 A Well, I don't remember specifically. The
11 reason why I have some confusion about whether there
12 was one or more boxes is because I remember it being
13 somewhat cumbersome to carry what I was carrying,
14 because I didn't feel like it was that heavy. Then I
15 have some confusion about that.

16 Q You testified earlier that you were not
17 able to or that you didn't either observe or feel
18 documents inside the box or boxes you were carrying;
19 is that right?

20 A Right.

21 Q Did you observe or feel anything other than
22 documents inside the box or boxes you were carrying?

1 A No. I couldn't have determined that from
2 my particular vantage point. There is one thing I
3 also want to clarify, which was a response to your
4 question as to whether the box had handles or not.
5 I'm not entirely sure that it did.

6 Q How much do you think the box or boxes
7 weighed?

8 A Between 7 and 15 pounds.

9 Q Total?

10 A Total.

11 Q Were the boxes sealed in any way?

12 A No. They were just closed.

13 Q How were they closed?

14 A I don't remember specifically. I don't
15 think that they had a lid. My sense is that they
16 were probably self-closing boxes.

17 Q You mean the type that you just fold in to
18 itself?

19 A Right.

20 Q And there was nothing written on any of the
21 boxes that you noticed?

22 A No.

1 Q Are there boxes that are used on a regular
2 basis to move items within the White House complex?

3 A Yes.

4 Q What do those boxes look like?

5 A Well, there are different boxes issued by
6 different people. I believe the office of records
7 management has a specific type of box that they use
8 for storage, for example, which they will issue.
9 There are also -- I don't know who issues these
10 boxes, the self-closing boxes that people would
11 normally use in a move if they were moving offices.

12 Q Did the box or boxes that you moved on that
13 day in July up to the residence look like any of
14 these other types of boxes you have seen people use
15 in the White House?

16 A I know that they weren't office of records
17 management boxes.

18 Q What do those look like?

19 A Well, they are smaller than what I
20 carried. Generally the cardboard is much more
21 hardened and tougher than what I carried. So, I
22 would distinguish those from the items that I

1 carried.

2 Q What about in comparison with the types of
3 boxes that are used when people are just moving
4 offices within the White House?

5 A They are probably closer than that, though
6 I'm not sure if that is exactly the kind of box we
7 are talking about.

8 Q Do you think that these were White House
9 boxes? Or do you think these boxes came from outside
10 the White House?

11 A I don't know where these boxes originated.

12 Q What is your best recollection of exactly
13 what Maggie Williams said to you about why she was
14 having you take these boxes to the White House
15 residence?

16 A My recollection is that she said that these
17 were personal and financial documents of the first
18 family's and that they needed to have them reviewed.

19 Q And that who needed to have the documents
20 reviewed?

21 A The first family.

22 Q Did Ms. Williams tell you that the first

1 family itself needed to review the documents?

2 A She didn't say who specifically would be
3 reviewing the documents.

4 Q Did Ms. Williams indicate that something
5 was to happen with the documents after the first
6 family had them reviewed?

7 A No. We didn't discuss that. That was not
8 something we would have discussed. I think that my
9 sense from the conversation, my understanding from
10 the conversation was that there was an unfamiliarity
11 with the contents of the boxes and so, therefore,
12 there needed to be a determination of what was in
13 them and how the contents of the boxes and the items
14 were going to be addressed.

15 Q Did Ms. Williams say anything to you about
16 where these documents had come from?

17 A I believe she said that they were documents
18 that had been in Vince's office.

19 Q At the time of Mr. Foster's death?

20 A She didn't say that specifically, but that
21 was my understanding.

22 Q Have you told us everything you can

1 remember about what Ms. Williams told you about why
2 she was having you move those documents up to the
3 White House residence?

4 A Yes.

5 Q Do you know a woman named Carolyn Huber?

6 A I have met Carolyn Huber, but I wouldn't
7 say that I know her.

8 Q You know who she is?

9 A I know that I have met her, and I'm not
10 exactly sure if the person I'm thinking of is Carolyn
11 Huber.

12 Q Did you come into contact with anyone you
13 believed to be Carolyn Huber when you were in the
14 White House residence on that day in July 1993?

15 A I am not sure.

16 Q Do you think you might have?

17 A I think it is a distinct possibility.

18 Q Why do you say that?

19 A I have a general impression that we came
20 into contact with a female individual who worked in
21 or around the White House residence.

22 Q When you say "we came into contact," do you

1 mean you and Ms. Williams?

2 A That's right.

3 Q Where did you and Ms. Williams come into
4 contact with this female individual?

5 A I don't remember exactly.

6 Q Was it in the west wing or the residence?

7 A I believe it was in the residence.

8 Q Was it up on the floor on which you
9 deposited the box or boxes?

10 A I don't think so.

11 Q What did this woman look like?

12 A I can't remember exactly.

13 Q Can you estimate her age for us?

14 A In her 40s.

15 Q Can you tell us anything else about what
16 this woman looked like?

17 A I don't have a specific recollection. So,
18 my sense is that she was about 5,6 to 5,9.

19 Q What color hair?

20 A See that I don't have a specific
21 recollection. I mean, I know the person I associate
22 in my mind with Carolyn Huber. So I'm trying to

1 avoid conflating my idea of whom I met with with this
2 other person, if it wasn't something I specifically
3 recall.

4 Q Did you and Ms. Williams seek this person
5 out or did you just bump into her?

6 A I think that we sought her out.

7 Q Tell us about that.

8 A The reason for seeking her out was to
9 obtain keys, and I don't remember exactly what the
10 keys were to.

11 Q Were they to the room in which you
12 deposited the boxes?

13 A I don't remember.

14 Q Do you have any recollection of putting
15 anything into a closet in the White House residence
16 that day?

17 A I remember having looked inside a closet in
18 that room. But I don't know if I deposited anything
19 inside the closet.

20 Q When did you look inside the closet in that
21 room?

22 A Shortly after arriving in the room.

1 Q Were you still holding the boxes?

2 A I don't remember.

3 Q Why did you look inside the closet?

4 A Well, I think that we may have been looking

5 to see if we could feasibly put the box in the

6 closet.

7 Q Did anyone say anything to indicate to you

8 that the boxes were supposed to go in a closet?

9 A No. I think we were just looking for a

10 place to put the box.

11 Q I think you testified earlier that there

12 were other boxes in the room?

13 A Right.

14 Q How many other boxes approximately? Was it

15 a lot or just a few?

16 A Well, more than three.

17 Q Were there more than 20?

18 A I don't think so. They weren't

19 systematically arranged in any way. I think they

20 were just boxes that happened to be there.

21 Q Did you actually get keys from this woman

22 you ran into in the residence?

1 A I don't recall.

2 Q Did you need keys to open up the closet in

3 the room?

4 A I don't remember.

5 Q Is it your testimony that you do not recall

6 now whether you put the boxes in the closet?

7 A That's right.

8 Q Or whether you simply left the boxes in the

9 room?

10 A That's correct. I do not specifically

11 recall whether I left the box or boxes in the room or

12 inside the closet.

13 Q Was there any conversation that you recall

14 relating to the closet?

15 A No.

16 Q Any conversation you recall relating to

17 where you would actually put the boxes down once you

18 got to the room in the residence?

19 A In general, I remember discussing briefly

20 whether or not we could put the boxes in the closet,

21 whether it was feasible because there were other

22 items in the closet.

1 Q And what was the conclusion of that
2 discussion?

3 A I don't remember.

4 Q Was this woman who you and Ms. Williams
5 went to see in the residence in the room with you?
6 Did she come up with you?

7 A I don't specifically remember.

8 Q Do you have any recollection?

9 A My general recollection is that she did
10 not.

11 Q Did you see her on the same floor of the
12 residence on which you ended up depositing the
13 documents?

14 A The boxes?

15 Q Right.

16 A I don't remember.

17 Q Did this woman actually give you or
18 Ms. Williams keys?

19 A To the best of my recollection, she gave us
20 a set of keys.

21 Q To the best of your recollection, were
22 those keys to the room or to the closet within the

1 room?

2 A I don't remember that, because I don't
3 remember specifically seeing what those keys were
4 used for.

5 Q Who used the keys?

6 A I believe it was Ms. Williams.

7 Q Did you ever have possession of the keys?

8 A Not to my best recollection.

9 Q What happened to the keys after you and
10 Ms. Williams left the boxes?

11 A I don't remember.

12 Q You don't remember returning them to the
13 woman who gave them to you?

14 A I don't have a specific recollection. I
15 don't remember what happened to the keys after that.

16 Q Was there any discussion either involving
17 you and Ms. Williams or that you may have overheard
18 at that time relating to the sensitivity of the
19 documents and the desire to have them locked up in a
20 closet as opposed to just out in a room?

21 A No. There was no discussion of that nature
22 between us.

1 Q Have you ever -- strike that.

2 You say you now have met Carolyn Huber?

3 A Since beginning work at the White House, I
4 have met Carolyn Huber. I know that I have met her.
5 But I'm not sure that the person I associate with
6 being Carolyn Huber is actually Carolyn Huber,
7 because I had a sense of confusion between Ms. Huber
8 and another person who worked in the White House
9 staff at one point.

10 Q Who is that?

11 A Ann Stock.

12 Q What is her position?

13 A I don't remember specifically. I think she
14 works in the visitors office. I have a general sense
15 that she had an office in the east wing when I was
16 there.

17 Q Do you think that there is any chance that
18 it was Ann Stock who gave you and Ms. Williams keys
19 the day you brought the boxes over to the White House
20 residence?

21 A I don't know.

22 Q Did Ms. Huber work in the residence at that

1 time?

2 A That's the source of my confusion, so I
3 don't remember.

4 Q Since the day that you brought the boxes
5 over to the White House residence, have you spoken
6 with Ms. Huber or Ms. Stock about that day?

7 A No.

8 Q Did Ms. Williams -- strike that.

9 On your way over to the residence or once
10 in the residence on your way to meeting this woman,
11 did Ms. Williams say anything to you about having
12 made arrangements with her to provide you keys?

13 A I'm sorry. Can you repeat the question.

14 Q Before the time that this woman gave you
15 and Ms. Williams the keys, did Ms. Williams say
16 anything to you about having made arrangements with
17 that woman to get the keys?

18 A No.

19 Q Ms. Williams just took you to where this
20 woman was?

21 A That's what I recall. I don't know whether
22 she contacted her on the way or prior to us leaving

1 the west wing or whether she contacted her at all or
2 whether she just sought her out directly, that
3 office. I believe that we met her outside an
4 office.

5 Q Was Ms. Williams carrying anything, any
6 boxes over to the residence at the time that you
7 were?

8 A I don't remember.
9 (Pause.)

10 Q I want to ask you a couple follow-up
11 questions about the file that is labeled "Ickes
12 personal and confidential." Do you understand?

13 A Uh-huh.

14 Q Did you remove that file from -- strike
15 that.

16 I think you testified that it was your best
17 memory that at some point you removed that file from
18 other files that had been in Mr. Foster's office and
19 gave it to Mr. Nussbaum; is that right?

20 A No. If that's what I said, that's
21 certainly not what I meant.

22 Q I may have misunderstood you. Why don't

1 you clarify that for me.

2 A The Ickes file, I'm not exactly sure why --
3 MR. CHERTOFF: This is Mr. Giuffra who is
4 also on the majority side.

5 (Pause.)

6 THE WITNESS: Please repeat the question.

7 BY MR. KRAVITZ:

8 Q I was asking you to clarify any
9 misunderstanding that I appear to have had, because I
10 thought you said that you had pulled or removed the
11 Ickes file and given it to Mr. Nussbaum at some
12 point.

13 A I think that what I meant to testify to was
14 that that was a possibility that that might have
15 happened. We were trying to determine why there was
16 a discrepancy or why there was a notation saying that
17 it was with Mr. Nussbaum. I believe it was November
18 19, 1993. And that that might have been a possible
19 explanation.

20 But I don't know specifically why that
21 notation was made. I can't remember specifically
22 why. It is also possible that it may have been

1 pulled earlier and that I tried to assert where the
2 file was since it had not been listed as removed and
3 only later found out that Mr. Nussbaum was in
4 possession of it.

5 Q Do you know who has that file now?

6 A No.

7 Q Down how long Mr. Nussbaum maintained
8 possession of the Ickes file?

9 A No.

10 Q Do you have any information of the Ickes
11 file going anywhere after Mr. Nussbaum was in
12 possession of it on November 19, 1993?

13 A No.

14 MR. KRAVITZ: That's all I have. Thanks.

15 MR. CHERTOFF: I have two minutes of
16 stuff.

17 EXAMINATION

18 BY MR. CHERTOFF:

19 Q When you were in the residence on the day
20 you were moving the box or boxes up, can you describe
21 the closet? What kind of closet was it? A clothes
22 closet or a closet with shelves?

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1 A I don't recall there being shelves in the
2 closet. It was narrow and not very deep.

3 Q Did it have a rail for clothes?

4 A I don't recall seeing a rail for clothes.

5 Q You said there were some other things in
6 the closet. What else was in the closet?

7 A I don't remember specifically, but I think
8 that there were other boxes.

9 Q Now, during your conversation with
10 Ms. Williams from the time you began the process --
11 from the time you met her and went over to her --
12 went over to pick up the boxes up through the time
13 you went into the residence and until you separated
14 from her, what if anything did she tell you about any
15 conversations she had had with the First Lady about
16 moving these documents?

17 A I don't believe she told me about any
18 specific conversation or series of conversations.

19 Q Did she say something in general about the
20 First Lady?

21 A I don't recall.

22 Q Did you have the impression that she had

1 discussed this or that this move was planned in
2 advance?

3 A Did I have the impression?

4 Q Yes.

5 A On the basis of only logical inference, I
6 would have had a hard time believing or coming to the
7 conclusion that anybody would move anything into the
8 private quarters of the White House residence without
9 having previously discussed it with the people who
10 live there.

11 Q Who is Jonathan or John Kopp, K-o-p-p?

12 A Jonathan Kopp was an intern in the White
13 House counsel's office.

14 Q When?

15 A From about the time that I got there until
16 approximately maybe early spring or winter of '94.

17 Q He was there when you arrived in mid-June?

18 A Yes.

19 Q What did he look like?

20 A He was about -- well, he is about 6,1, 6,2,
21 dark hair, short, well groomed hair. Is there any
22 more specific?

1 Q How tall are you?

2 A 5,9.

3 Q Did he used to help moving boxes around?

4 A I never saw him move a box or any group of
5 boxes. But it wouldn't have been unusual for an
6 intern to help move miscellaneous items.

7 Q I don't know if you can answer it. Does he
8 look at all like you? Does he resemble you in any
9 way?

10 A Insofar as he has short dark hair and --

11 Q Same complexion?

12 A Yes, it is dark, tan, I guess especially
13 during the summer when people get out.

14 Q Michael Ben, do you know who that is?

15 A No.

16 MR. CHERTOFF: Okay. I have nothing more.

17 MR. KRAVITZ: Thanks.

18 (Whereupon, at 8:34 p.m., the deposition
19 was concluded.)
20
21
22

CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, BRENDA M. SMONSKEY, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Brenda Smoushey
Notary Public in and for the
District of Columbia

My Commission Expires APRIL 14, 1996

DEPONENT

Thomas E. Carlebach

ERRATA

<u>PAGE</u>	<u>LINE</u>	<u>CHANGE FROM</u>	<u>CHANGE TO</u>	<u>REASON</u>
<u>9</u>	<u>16</u>	<u>special assistant</u>	<u>Special Assistant</u>	<u>(capitalization)</u>
<u>10</u>	<u>9</u>	<u>[capitalize "a" in assistant and</u>		
		<u>"c" in Parcel]</u>		
<u>10</u>	<u>11</u>	<u>[capitalize "c" in Counsel]</u>		
<u>20</u>	<u>5</u>	<u>Insert "May I" before "Aid"</u>		
<u>44</u>	<u>18</u>	<u>substitute "o" for "o" in "Pastor"</u>		
<u>67</u>	<u>15</u>	<u>omit the comma after "Secret"</u>		
<u>94</u>	<u>4</u>	<u>strike "with in" and replace with</u>		
<u>125</u>	<u>10</u>	<u>"within"</u>		
<u>125</u>	<u>10</u>	<u>strike "in" and insert "and"</u>		
<u>188</u>	<u>2</u>	<u>substitute "universal" for "universal"</u>		
<u>194</u>	<u>12</u>	<u>substitute "association" for "association"</u>		
<u>194</u>	<u>15</u>	<u>"</u>		

**DEPOSITION OF ROBERT E. LANGSTON
IN RE: S. RES. 120**

TUESDAY, JUNE 27, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of ROBERT E. LANGSTON, called for examination pursuant to notice of deposition, at 9:30 a.m. in Room 534 of the Dirksen Senate Office Building, before PATRICIA A. ZUBER, a Notary Public within and for the District of Columbia, when were present:

ROBERT J. GIUFFRA, JR., Esq.
Majority Chief Counsel
NEAL E. KRAVITZ, Esq.
Minority Principal Deputy Special Counsel
GLENN F. IVEY, Esq.
Minority Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

MONICA BURKE, Esq.
Attorney at Law
On behalf of the Deponent.

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P R O C E E D I N G S

MR. GIUFFRA: Chief Langston, good morning. My name is Robert Giuffra, I'm the chief counsel of the Senate Banking Committee. To my left is Neal Kravitz, who I believe is the principal deputy special counsel for the Minority, and to his left is Glenn Ivey who is a Democratic counsel.

This deposition is being conducted pursuant to Senate Resolution 120. This resolution establishes a Special Committee, administered by the Banking Committee, to conduct an investigation involving Whitewater Development Corporation, Madison Guaranty Savings & Loan Association, Capital Management Services, Inc., the Arkansas Development Finance Authority and other related matters.

Now, section 1.B.1 of Senate Resolution 120 authorizes investigation and public hearings into "whether improper conduct occurred regarding the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster following his death."

And that is the focus of your deposition

today, that one section --

THE WITNESS: Sure.

MR. GIUFFRA: -- of the resolution. And I have a copy of the resolution if you have an interest in seeing it.

You are requested to testify by telephone with the Department of Interior on June 13th. This was confirmed by letter dated June 14th. I don't believe you previously have testified in this matter.

This is a deposition that's being conducted in advance of public hearings in July and there is some likelihood, although it is not altogether certain, that you will be asked to testify and we will attempt to give you sufficient notice so that it doesn't disrupt your schedule.

And at the outset, let me say that the committee appreciates you taking the time out of your schedule to be here. We will be asking you a series of questions. I will be asking the first set of questions and then I believe Neal will be asking questions for the Minority.

1 You will be testifying under oath. If at
2 any time you don't understand a question, please let
3 me know and I will rephrase the question. If at any
4 time you need a break, again, let us know and we'll
5 take the break.

6 The stenographer will prepare a record of
7 the questions and your answers. This deposition will
8 be treated as something called committee confidential
9 until the commencement of the hearings, meaning that
10 it will not be publicly disclosed, and we ask you to
11 the extent that you will not disclose your testimony
12 here to a reporter orally, other than discussing it
13 with your counsel.

14 You have the right to be represented by
15 counsel and the procedures for the conduct of
16 depositions are specified in Senate Resolution 120.
17 Perhaps if your counsel wanted to state an appearance
18 for the record.

19 MS. BURKE: Sure, what do you want me to
20 say?

21 MR. GIUFFRA: Your name.

22 MS. BURKE: Monica Burke, appearing here

1 for Chief Langston.

2 MR. GIUFFRA: Counsel may object --
3 objections to the form of questions will be noted for
4 the record. Counsel can object also on grounds of
5 privilege or relevance. With regard to such
6 objections we will either proceed or we may ask the
7 committee's chairman to rule on the objections.

8 You'll be given an opportunity to review a
9 transcript of the deposition and you can correct any
10 kind of errors in transcription so that it accurately
11 reflects what you say here today.

12 If you would please swear the witness.
13 Whereupon,

14 ROBERT E. LANGSTON
15 was called as a witness and, having first been duly
16 sworn, was examined and testified as follows:

17 EXAMINATION

18 BY MR. GIUFFRA:

19 Q Chief Langston, if you would please state
20 your full name the record.

21 A Robert Earl Langston.

22 Q And the spelling of your last name?

1 A L-a-n-g-s-t-o-n.

2
3
4 Q And your present business address?

5 A Present what?

6 Q Business address.

7 A It's 1100 Ohio Drive, Southwest,
8 Washington, D.C. 20242.

9 Q And your present position?

10 A Chief of the United States Park Police.

11 Q What is your telephone number, your office
12 telephone number?

13 A 202-619-7350.

14 Q And that would be the number that you would
15 normally give out to someone interested in --

16 A Yes, that's the normal chief's office
17 number.

18 Q What is your -- just going back
19 chronologically -- your employment history with the
20 Park Police?

21 A I joined the Park Police in August 1st,
22 1965.

1 Q And what position did you hold at that
2 point?

3 A Police officer.

4 Q Police officer. And then for how long did
5 you maintain -- become a police officer?

6 A You want me to go through --

7 Q Yes, go through --

8 A -- the litany there? Five years, I guess I
9 was a sergeant by 1970, '71. Went to the rank of
10 sergeant. Obviously I worked a whole lot of jobs in
11 between that time. I don't think you're interested
12 in that.

13 Q Did you do a lot of criminal
14 investigations?

15 A No, I don't come out of a criminal
16 investigative background. I come out of a patrol
17 background, traffic patrol. Did not go in the
18 investigative side. So I don't claim to be an
19 investigative expert.

20 1973 I was promoted to the rank of
21 lieutenant. I worked as a field commander which
22 basically oversees the force on any eight-hour shift

1 period. From there I was a commander of the
2 communications branch, promoted to captain, became a
3 watch commander as a captain.

4 Q When did you become captain?

5 A 1975.

6 Q Okay.

7 A Watch commander for a period of time. I
8 was reassigned to Atlanta, Georgia, worked in the
9 southeast region of the National Park Service as law
10 enforcement specialist. I was a captain. In that
11 capacity I oversaw the law enforcement program with
12 the National Park Rangers and did special
13 investigations and things such as that.

14 Q What type of --

15 A Not of a criminal nature. I'd normally
16 have a -- internal affairs type, internal crimes. I
17 coordinated with local police. If I needed an
18 investigator, I pulled an investigator down from
19 Washington, D.C. or some other area. 19 -- actually
20 that was '75 through '78. I was reassigned as the
21 district commander in Washington, D.C. under central
22 district. Stayed in that capacity for about five

10

1 years.

2 1982 I was promoted to the rank of major.
3 With that I was transferred to the Washington office
4 of the National Park Service and I oversaw the Park
5 Service law enforcement program. It encompassed the
6 354 national parks throughout the country. Let's
7 see. '85 promoted to deputy chief of field office
8 division, that's back over with the Park Police.
9 Coordinated the San Francisco, New York field
10 offices, and the regional law enforcement specialist
11 positions across the country.

12 And then let's see. About '87 -- about '86
13 I was reassigned as a deputy chief operations
14 division. Operations division was in charge of
15 everything in Washington, D.C. that was in
16 operations, that's patrol, criminal investigations
17 and the special forces branch.

18 About '9 -- about '9 -- I must say about
19 '89 I was promoted to the assistant chief. That
20 might have been '88 to the assistant chief position,
21 which basically served under the chief, served in
22 that capacity for, until 1991 when I became the chief

1 of the Park Police.

2 Q Who does the appointing of the chief?

3 A The director of the National Park Service
4 and the Secretary of Interior.

5 Q Is that a civil service position, or is it
6 a position where you serve the pleasure of --

7 A No, civil service.

8 Q Civil service. Just, again, just to recap
9 your testimony with regard to criminal
10 investigations, am I correct that really the first
11 time you have supervisory responsibility for criminal
12 investigations is '86?

13 A Well, in the capacity of a field commander
14 you basically ensure that if you have, if you have a
15 crime that you have an investigator, a plain clothes
16 investigator or detective that are assigned the
17 responsibility, but I didn't oversee that particular
18 person, so in my capacity as the deputy chief
19 operations, I would, like, I would act as a field
20 commander but I would oversee to ensure that it was
21 appropriately managed.

22 It certainly didn't give me any great

1 knowledge of criminal investigations, though. Just
2 basically had that in the chain of command.

3 Q Because you were the administrator, not the
4 direct supervisor of the investigations?

5 A No, I was -- I had a major that was in
6 charge of criminal investigations would report to me
7 so there was one manager that was assigned to oversee
8 the criminal investigations branch, the branch
9 commander.

10 Q Who do you report to now in the Interior
11 Department?

12 A I report to the regional director of
13 National Capital Region, Washington, D.C., Mr. Bob
14 Stanton.

15 Q And does Mr. Stanton report to the head of
16 the National Park Service?

17 A That's correct.

18 Q And reporting directly to you would be the
19 various deputy chiefs?

20 A Three deputy chiefs and the major of audits
21 and evaluation are -- inspectional services, Major
22 Hines.

1 Q And one of those deputy chiefs is in charge
2 of investigations?

3 A He oversees the investigations, yes. He
4 has a major that -- same as the position I was in,
5 the major is directly in charge of the criminal
6 investigations branch.

7 Q What is the relationship of the Park Police
8 to the Interior Department, other than being part of
9 the National Park Service? Do you have much dealings
10 with the Secretary's office?

11 A Not too much. Very little. There is a
12 protection detail that protects the Secretary of the
13 Interior. That's an assignment that comes under the
14 office of inspectional services. Other than that
15 there is very little contact with the Secretary's
16 office.

17 Q You know who Tom Collier is?

18 A Yes, I do.

19 Q What sort of contact did you normally have
20 with Tom Collier while he was chief of staff of the
21 Interior?

22 A I may have had four or five meetings with

1 him concerning law enforcement issues over the period
2 of time that he served in that capacity.

3 Q And the chief of staff of the Interior
4 Department is essentially equivalent of the deputy
5 secretary in other departments, they act as chief
6 operating officer?

7 A In this particular instance, that's
8 correct.

9 Q That would be over about a 2-1/2-year
10 period?

11 A Yes.

12 Q Last set of background questions, I
13 promise.

14 In terms of your experience with criminal
15 investigations, have you attended any sort of a
16 school at which you received training in criminal
17 investigations?

18 A No.

19 Q In your capacity, in administrative
20 positions you've held, have you had people brief you
21 on the progress of criminal investigations?

22 A Yes.

1 Q Do you consider yourself to have some
2 knowledge of police procedure with regard to criminal
3 investigations?

4 A Yes.

5 Q Do you consider yourself as someone who has
6 knowledge with regard to Park Police procedure with
7 regard to criminal investigations?

8 A Yes.

9 Q And there are certain procedures that the
10 Park Police normally follow in connection with the
11 conduct of criminal investigations?

12 A Yes.

13 Q And other than with regard to Mr. Foster,
14 have you ever had any dealings with regard to suicide
15 investigations?

16 A I've been at the scene of probably 20, 25
17 suicides. And as a police officer or supervisor, I
18 would just ensure that the integrity of the crime
19 scene, all those things that a police officer would
20 normally do, interview witnesses, finding witnesses
21 to set them aside so that the criminal investigator
22 could interview.

1 Those are things that we would normally
2 train a police officer to do. Obviously I was in
3 that capacity.

4 Q Why do you seal the crime scene?

5 A To maintain the integrity of the crime
6 scene.

7 Q And in a suicide you normally would
8 maintain the -- you would have normally sealed the
9 area around where the body was found?

10 A Normally you would take and seal a crime
11 scene so that only those persons that have direct
12 access or need to be in that crime scene --

13 Q Other than counsel, prior to this
14 deposition, did you speak to anyone about the fact
15 you were coming here today?

16 A Just a few members of my staff that I'd be
17 up here today testifying in a Whitewater hearing.

18 Q Any substantive discussions?

19 A No.

20 Q Any substantive discussions with anyone
21 from the White House with regard to the fact that you
22 would be testifying?

- 1 A No.
- 2 Q Any substantive discussions with anyone
- 3 from the Secretary's office?
- 4 A No.
- 5 Q Now, am I correct that Vincent Foster's
- 6 body was discovered on July 20, 1993 in Fort Marcy
- 7 Park?
- 8 A Yes.
- 9 Q And when did you become aware of the death
- 10 of Mr. Foster?
- 11 A Phone call from the field commander
- 12 notifying me that a suicide victim with White House
- 13 credentials was found at Fort Marcy Park.
- 14 Q Who was the field commander?
- 15 A Pat Gavin.
- 16 Q That's Lieutenant Gavin?
- 17 A That's right.
- 18 Q And was that on the night that Mr. Foster
- 19 was found dead?
- 20 A Yes.
- 21 Q Do you recall what time it was that you
- 22 were contacted?

- 1 A It was dark so I would imagine it was
- 2 somewhere around 9:00 or 9:30, 10:00, somewhere in
- 3 that area.
- 4 Q Did he call you at home?
- 5 A Yes.
- 6 Q Could you recall anything about the
- 7 conversation, more about the conversation?
- 8 A No, he just basically was giving me the
- 9 facts that a body was found, that it appeared
- 10 initially to be a possible suicide, that White House
- 11 credentials were found in the vehicle, and that they
- 12 had the crime scene sealed, and that investigators
- 13 had -- were in the process of responding. ID was
- 14 responding, doing the normal protocol that you would
- 15 in a situation like that.
- 16 Q Did you give any direction to Lieutenant
- 17 Gavin at that point?
- 18 A No, it's not necessary.
- 19 Q Did you make any phone calls?
- 20 A Yes.
- 21 Q Who did you call?
- 22 A I notified Bob Stanton, who was the

1 regional director.

2 Q And do you recall anything about your
3 conversation with Mr. Stanton?

4 A Just let him know that there was a
5 suicide. I would normally, on a normal suicide, I
6 would not notify the regional director but since it
7 involved a White House employee, I just notified him.

8 Q Did you know that it was Mr. Foster at that
9 point?

10 A I think that -- I think that I had the name
11 and I may have had the position, yes.

12 Q Because you were aware this was a high
13 ranking White House official?

14 A Yes.

15 Q Did Mr. Stanton say anything to you that
16 you can recall?

17 A Just keep him advised.

18 Q Did you make any other phone calls that
19 evening?

20 A I don't think so.

21 Q In the course of your conversation with
22 Lieutenant Gavin, was there any discussion of the

20

1 need to seal Mr. Foster's White House office?

2 A No.

3 Q Did Mr. Stanton -- I mean, did Lieutenant
4 Gavin say anything about any directions being given
5 to White House officials to seal Mr. Foster's office?

6 A I think in a later conversation, not even
7 that conversation, but something about sealing the
8 office, I didn't have a conversation that evening
9 about that.

10 Q Now, Vincent Foster died from a gunshot
11 wound; am I correct?

12 A Correct.

13 Q And this was not a death from natural
14 causes?

15 A Correct.

16 Q Now, in such circumstances, what would be
17 normal Park Police procedure with regard to the
18 investigation?

19 A Seal the crime scene, investigators and ID
20 technicians would respond to process the scene to
21 evaluate, to conduct an investigation.

22 Q And is there a need to determine whether

1 this was a suicide or a homicide?

2 A Well, yes, it's -- crime scenes are
3 normally, until the investigators can determine the
4 direction of the investigation, normally start off as
5 a homicide, looking at all of it. And then as the
6 facts present themselves, I think it appeared to the
7 investigators it was a suicide and they started off
8 in that direction, but there's a fine line there, as
9 you would know.

10 Q So your normal practice is to treat the
11 investigation as a homicide investigation until there
12 is a determination that it was a suicide?

13 A Yes.

14 Q Now, in the case of the death of
15 Mr. Foster, the Park Police continued their
16 investigation for some number of days; is that
17 correct?

18 A Yes.

19 Q And do you recall when the Park Police made
20 a judgment that Mr. Foster had committed suicide?

21 A It took quite some time and I can't tell
22 you the exact date, but it was probably a day, day or

22

1 two prior to when we actually made a press release
2 over at Justice Department. I do not --

3 Q Sometime in August, early August?

4 A It was either August or September. It was
5 probably more of a longer period of time than we
6 would normally do, but we wanted to make sure
7 everything was well documented and well investigated.

8 Q So until you make a determination that
9 there's a suicide, you treat the investigation as a
10 homicide investigation?

11 A Yes.

12 Q Okay. I'd like to direct your attention to
13 the day after Mr. Foster died, which would be July
14 21st.

15 A Okay.

16 Q Do you recall speaking with Major Hines
17 that morning?

18 A Yes, I do.

19 Q Was he the first person you spoke to that
20 morning?

21 A Probably so, probably so. We get in the
22 office about 7:00. I was in there early.

1 Q What do you recall about your conversation
2 with Major Hines?

3 A He advised me that we needed to go up to
4 brief the White House staff.

5 Q Did he say whether anyone from the White
6 House had called him or whether he'd called the White
7 House that morning?

8 A Did not say how that came to be, just said
9 that there was a need, a request to brief the White
10 House staff.

11 Q Do you recall anything more about your
12 conversation with Major Hines that morning?

13 A Not really. I think what I was doing at
14 that particular time was gathering the facts myself,
15 getting the, whatever paperwork had been submitted,
16 trying to get a little bit more of the facts.

17 Q Just determining things, just where the
18 body was found, whether --

19 A Yeah.

20 Q What were some of the things that you were
21 trying to find out?

22 A Well, just the basic time, location,

1 location of the body, weapon, family notification,
2 things such as that.

3 Q Do you recall any discussion of sealing
4 Mr. Foster's office that morning?

5 A Yes, sometime during that morning there was
6 some discussion about sealing the office, that it had
7 been requested.

8 Q Was it your understanding it had been
9 requested the night before?

10 A Yes.

11 Q And that this request had been made to
12 White House officials?

13 A Yes.

14 Q And was it your understanding that the
15 White House officials had assented to sealing the
16 office?

17 A My understanding was that the White House
18 office was to be sealed.

19 Q And they had -- and White House officials
20 said the White House would be sealed that evening?

21 A That it -- my understanding, I did not talk
22 to the White House official, that information had

1 been passed on to me.

2 Q Did Major Hines mention that he had asked
3 that the office be sealed?

4 A I'm not sure if he was the one. I just
5 know that he had -- he had been in pretty close
6 contact with the field commander during the evening.
7 He was very involved; he's our press information
8 officer so he was gathering information for that.
9 He's also the past commander of criminal
10 investigations branch so he's very knowledgeable in
11 that area. And I think that he had that information
12 prior to, prior to the morning.

13 Q Do you know Sergeant Braun?

14 A Yes, I do.

15 Q Would you consider her an experienced
16 investigator?

17 A I think --

18 Q Or experienced police officer?

19 A Yes.

20 Q Did there come a time when you learned that
21 Sergeant Braun had asked that the office be sealed?

22 A No.

1 Q Now, why might an officer ask that an
2 office be sealed if the body was not found at the
3 office?

4 A Probably looking for determination of what
5 might have led up to the suicide.

6 Q Looking for evidence with regard to the
7 victim's state of mind?

8 A Yes.

9 Q Perhaps for a diary or suicide note?

10 A Possibly.

11 Q Now, is motive an important factor in a
12 suicide investigation?

13 A Well, not really. It's good to know but
14 it's not necessary to know. And that's a Bobby
15 Langston opinion on this, but I would assume that
16 you'd like to know what the driving influence was for
17 the suicide.

18 Q Do you also perhaps want to know what the
19 victim's movements were in the last hour of his life?

20 A Yes.

21 Q And this is a way to rule out foul play or
22 murder?

1 A It certainly would be.

2 Q Now, what does it mean to you to seal an
3 office?

4 A Allow no entry.

5 Q Meaning that no one could go in and take
6 any papers out, or even just go and look; would that
7 be --

8 A I'm sorry, yes, that's correct. That no
9 one should be allowed in or out until there's an
10 official that would go in, a law enforcement official
11 that would be go in to be part of the inventory of
12 the office, to look for evidence.

13 Q And that would be to avoid any
14 contamination --

15 A That's correct.

16 Q -- of the scene? Are you aware of any
17 other instances in which the Park Police have asked
18 that an office be sealed?

19 A No, I am not.

20 Q Do you know what the Federal Law
21 Enforcement Training Center is?

22 A Yes.

1 Q Is that a training center in Georgia for
2 federal officers?

3 A Yes, it is.

4 Q Do you know whether training is given to
5 officers at the Federal Law Enforcement Training
6 Center on the need to seal crime scenes and offices?

7 A Crime scenes. I would assume it would
8 include offices, if it's part of a crime scene.

9 Q And could you conceivably have a crime
10 scene -- strike that.

11 You'd have a crime scene where, for
12 example, a body would be found?

13 A Yes.

14 Q Could you also have, in that same
15 circumstance, another place that would need to be
16 sealed?

17 A Certainly.

18 Q Why might that be?

19 A Person could have been killed one location
20 and dumped at another location. Could have been a
21 continuation of the crime so there may be several
22 scenes of a crime.

1 Q Okay. On the 21st, the day after
2 Mr. Foster died, did there come a time in which you
3 attended a briefing at the White House?

4 A Yes.

5 Q Do you recall what time that briefing was?

6 A I want to say probably about 9:00,
7 somewhere in that time.

8 Q 9:00, 10:00?

9 A 9:00, 10:00, in that area.

10 Q And who attended the briefing with you?

11 A Major Hines.

12 Q And do you remember who was at the briefing
13 from the White House?

14 A Vaguely. I suppose you'd like for me to
15 tell you those people.

16 Q Whoever you can remember.

17 A I remember Nussbaum was there; Watkins. I
18 want to say director of security a gentleman named
19 Kennedy.

20 Q Wayne Kennedy?

21 A I'm not sure if that's his first name. I
22 know the last, I feel the last name was Kennedy.

30

1 Q Was there a man named Livingstone present?

2 A That's a familiar name. Also --
3 Stuffeupagus?

4 Q Stephanopoulos?

5 A Stephanopoulos. I want to get with Big
6 Bird in a minute.

7 Q He gets a lot of publicity.

8 A The attorney for the Foster family,
9 Hamilton.

10 Q Mr. Hamilton?

11 A Mr. Hamilton was there. A large guy who
12 was part of the Department of Justice.

13 Q Web Hubbell?

14 A Web Hubbell was in that room, yes. And
15 it's a very small room, we were very crowded in
16 together. I think that was about it.

17 Q How many people do you think was there
18 total?

19 A Seemed like six, five, six, seven,
20 somewhere in there.

21 Q Including -- in addition to yourself and
22 the major?

1 A Yes.

2 Q So maybe up to eight or nine?

3 A Total, yeah.

4 Q What do you recall about the meeting?

5 A I recall that the majority of the people
6 were in a total state of shock, total disbelief. It
7 was a real sad, sad scene. They asked -- we
8 basically briefed them on the facts just the barest
9 of facts as far as where the body was located and
10 things like that. It wasn't a very thorough briefing
11 because we really didn't have that much of the facts.

12 Q Did you describe to the officials what the
13 procedure would be, the Park Police procedure would
14 be going forward?

15 A Yes.

16 Q And what do you recall about telling them?

17 A Well, that they, the investigators, would
18 be contacting people to do, conduct interviews, that
19 we'd like to find out everything about the previous
20 day, as far as the investigators would like to have
21 them cooperate with us to have them provide
22 information.

1 They said that they would like to treat
2 this as a routine investigation like we would
3 normally do it, that we should not change any of our
4 procedures. I can recall that Nussbaum said he'd
5 like to coordinate everything through the Attorney
6 General's office, which really is not what we would
7 normally do in an investigation, but this was such an
8 unusual situation with a high ranking Presidential
9 staff member. Not much more than that.

10 I remember that Nussbaum came in and that's
11 when he said that he wanted everything conducted
12 through the Attorney General's office.

13 Q Did he say why?

14 A No, he did not say why.

15 Q Did you tell White House officials that
16 normal Park Police procedure is to treat all death
17 investigations as a homicide until you can rule out
18 homicide?

19 A I don't recall that statement being made.
20 I'm not sure if it was or wasn't, I just don't
21 recall.

22 Q You don't recall describing, you know, the

1 difference between how you treat a death
2 investigation?

3 A I don't recall that, no.

4 Q Do you recall any discussion about sealing
5 Mr. Foster's office?

6 A Yes, I do.

7 Q What do you recall about that?

8 A That there were going to be some
9 interviews, that we've asked -- that we understand
10 that the office has been sealed.

11 Q Let me just ask a question there. You
12 recall that you said you understand the office had
13 been sealed?

14 A I want to say that verbiage came out.
15 There was acknowledgment, somewhere in that meeting,
16 that the office had been sealed and that
17 investigators would be conducting interviews of the
18 staff up there that morning. As a matter of fact, as
19 we were leaving, those investigators were entering
20 the office area as we were departing. And we just
21 wanted to ask for their cooperation in the interview
22 process with those investigators.

1 Q And they said they would be cooperative
2 with the investigators?

3 A Yeah.

4 Q Now, with regard to the recognition or the
5 acknowledgment that the office was sealed, did
6 someone say we've sealed the office as you asked us
7 to?

8 A Yeah, there was, there were a few side
9 issues that were spinning around that, and I don't
10 know if I picked it up from Major Hines or the
11 investigator, that the people had been entering the
12 office or what have you, but that I think we were --
13 I'm not sure now. It's getting awful vague because
14 it may not have been at that particular meeting.
15 There was a little -- I recall that in an interview
16 with the -- as I was exiting that meeting and talking
17 with one of the investigators -- I thought it was
18 Captain Hume -- that there seemed to be a little
19 friction in the area of sealing of the office and
20 access to the office.

21 Q Do you recall anything at the meeting with
22 White House officials that morning?

1 A No, I can't say.

2 Q Did the subject matter of the office came
3 up?

4 A No, I want to assume that there was
5 something, that they were going to keep the office
6 sealed, and not allow access to it, but I'm not
7 positive on that.

8 Q Do you recall anyone saying that they would
9 put security on the office?

10 A Yes. But I'm not sure if it was in that
11 meeting. I knew that that had been arranged for. I
12 was briefed that there would be security on the
13 office, and I was under the impression that all this
14 had been taken care of, that the office was basically
15 going to be sealed.

16 Q Had been sealed the night before?

17 A Yes.

18 Q Do you know what the basis for your
19 impression was, other than what Major Hines might
20 have said to you?

21 A Uniformed division of the Secret Service
22 had been requested to do that. I thought I saw a

36

1 note or something like that, that they had
2 notified -- that the uniformed division had to seal
3 the office. I was under the impression that the
4 office had been sealed and that there were no
5 problems.

6 Q Do you remember, do you recall anyone using
7 the expression "post the office"?

8 A Uh-huh.

9 Q At the meeting that Nussbaum was at?

10 A I can't say that.

11 Q That expression?

12 A I recall the expression but I can't say
13 that it was at that meeting.

14 Q What does it mean to you, to post an
15 office?

16 A To have security posted on the office.

17 Q Meaning that no one can enter the office?

18 A Yes.

19 Q Do you recall anything more about the
20 meeting?

21 A I just noticed that the people that were
22 there were, I hate to use the word dysfunctional but

1 they were, just totally didn't know what to do. I
2 remember making that comment to Major Hines, is that
3 it was just like they had no idea; now what do we
4 do. Just it seemed like there was a lot of confusion
5 at that particular time. And my comment on Nussbaum
6 coming in and leaving, it appeared that he wasn't
7 overly concerned, it was let's get back to business
8 and get on with the governing of the country.

9 And he was somewhat -- I remember somewhat
10 callous in his comments coming in and leaving. Other
11 than that --

12 Q He was very businesslike?

13 A He was very businesslike. The other folks
14 were really truly grieving, really truly in heavy
15 grief over this situation. Nussbaum did not seem to
16 be -- seemed to be totally the opposite. Seemed to
17 be let's get back to business.

18 Q Is it your perception that he was the
19 person who was in charge of the situation?

20 A Yes.

21 Q Was he giving instruction to other White
22 House officials in your presence?

1 A I don't recall.

2 Q You don't recall anything more about the
3 meeting?

4 A We exchanged some business cards I
5 believe. There was a discussion with Mr. -- is it
6 Hamilton who was the attorney for the Foster family?

7 Q Correct.

8 A I think there was a side conversation
9 between Bob Hines and he on how we would handle
10 dealing with the family through him. He wanted
11 everything to come through him to deal with the
12 family.

13 Q Now, at that meeting on the 20th, did
14 anyone say anything --

15 MR. KRAVITZ: You mean the 21st.

16 BY MR. GIUFFRA:

17 Q Yes, let me strike the question. At the
18 meeting on the 21st at the White House, did any White
19 House official indicate to you that Park Police
20 investigators would not be given complete access to
21 Mr. Foster's office?

22 A I don't recall that. I recall that they

1 were going to be very cooperative and that they would
2 want to cooperate fully with the Park Police
3 investigation.

4 Q You don't recall anything else. Exhausted
5 your memory?

6 A Not much up there after two years. That's
7 all I recall.

8 Q Okay. Now, this meeting was on the first
9 floor of the White House. Do you recall having to go
10 downstairs?

11 A No. I think it was on the first floor of
12 the White House.

13 Q Okay. On your way out of the White House,
14 do you recall meeting Captain Hume and Detective
15 Markland?

16 A Yes.

17 Q Just briefly, just for the record, what is
18 Captain Hume's reputation in the Park Police?

19 MS. BURKE: I'm curious. Why is that
20 relevant?

21 MR. GIUFFRA: The relevance is just to sort
22 of establish --

1 MS. BURKE: Just with regard to the White
2 House handling of the documents?

3 MR. GIUFFRA: -- what sort of an
4 investigator he is.

5 BY MR. GIUFFRA:

6 Q Is he considered a competent person?

7 A He's an excellent investigator. He has a
8 great deal of integrity. He's been in our internal
9 affairs operations. I would call on him to do very
10 sensitive investigations. He is one that is very
11 close-lipped, very professional.

12 Q And he's one of your more experienced
13 investigators?

14 A Yes, got a lot of experience, yes.

15 Q And how about Detective Markland?

16 A Detective Markland is a very experienced
17 investigator.

18 Q Is he professional?

19 A Very professional.

20 Q What do you recall about your conversation
21 with Hume and Markland?

22 A They had some concerns, if I recall, on the

1 sealing of the office and on the interview process.
2 I'm not exactly sure what those concerns were
3 specifically, but it was they were to go in and do
4 their investigations, start the process of looking at
5 Foster's office, interviewing the people. They were
6 up there on the kind of the initial, here we are,
7 let's get down to business.

8 Q So they had gone to the White House before
9 you and Major Hines did?

10 A No, I think they were there, they were
11 there as we were leaving. I don't think they were
12 there prior to us arriving.

13 Q So they had -- while you were in the
14 meeting with the senior -- with Nussbaum, they had
15 been maybe meeting with other people or trying to
16 meet with other people?

17 A I'm not sure. They were there. They
18 were --

19 Q Were they in the building?

20 A Yes.

21 Q Were they in a waiting area downstairs?

22 A Yes.

1 Q Would that be the waiting area as you go
2 out into the street between the west wing and the Old
3 Executive Office Building?

4 A Yes.

5 Q And there's a lot of pictures of the
6 President on the walls?

7 A Yes. I recall some initial discussion
8 there and also recall some discussion outside --

9 Q On the street --

10 A -- on West Executive Avenue and that they
11 were displaying just a little bit of uncomfortable
12 feelings toward either access to the people they
13 interviewed or to the room, I'm not sure how that
14 was.

15 Q Do you recall anything more specifically?

16 A No, I understand they had a concern, we
17 were trying to let it run its course. And I recall
18 that that concern caused me to make a phone call to
19 the special -- what you call the SAC, the special
20 agent in charge of the Washington field office for
21 the FBI.

22 (Discussion off the record.)

1 (Recess.)

2 BY MR. GIUFFRA:

3 Q Let me ask a question. Did either
4 Detective Markland or Captain Hume say anything to
5 you about being told by a Secret Service agent that
6 the Secret Service agent had seen someone come down
7 from the second floor of the White House with a box?

8 A No.

9 Q Do you recall anything that gave you an
10 indication that there was a problem with the sealing
11 of the office?

12 A Yes, and those were comments that were just
13 made by Hume or Markland at the time that it had not
14 been sealed or wasn't sealed properly, or people had
15 been allowed access, or something like that; that
16 they had great concerns at that time.

17 Q Did they say what was the basis for their
18 understanding?

19 A No.

20 Q Okay. Do you recall anything more about
21 your conversation with Hume and Markland?

22 A No.

1 Q Then you called the special agent in charge
2 of the FBI of D.C.?

3 A Right.

4 Q Who was that?

5 A Bob Bryant.

6 Q Is he a fairly senior FBI officer?

7 A Oh, yes. He runs the Washington, D.C.
8 area. Did at that time. He's now over in
9 headquarters in another capacity.

10 Q Did you have a relationship with
11 Mr. Bryant?

12 A Yes.

13 Q And what do you recall about your
14 conversation with Mr. Bryant?

15 A I asked him if he'd give us an investigator
16 to work with our investigators in the investigation.

17 Q Would this be someone with experience in
18 homicides?

19 A Well, FBI doesn't do a lot of homicide
20 work. They truly don't. If I wanted someone like
21 that, I'd probably call D.C. homicide. But I wanted
22 a good, just a good criminal investigator to work

1 with our investigators in the situation because it
2 was the sensitivity, White House. It was pretty
3 apparent it was just a little extraordinary than what
4 we normally deal with.

5 Q Do you recall anything more about your
6 conversation with Mr. Bryant?

7 A No, he said he'd be more than pleased to
8 provide someone, and I gave him the phone numbers of
9 Captain Hume.

10 Q Do you recall saying anything to Mr. Bryant
11 about the fact that the office had not been sealed?

12 A I don't recall.

13 Q Do you know if -- do you know who Mack
14 McLarty is?

15 A Yes, I think I do.

16 Q White House chief of staff?

17 A White House chief of staff.

18 Q At that time anyway. That would be yes?

19 A Yes.

20 Q Do you know if Mr. McLarty ever ordered
21 Mr. Foster's office to be sealed?

22 A I don't know that personally, no.

1 Q Okay. Now, you went back to Park Police
2 headquarters on the 21st?

3 A Uh-huh.

4 Q What was the next thing that you heard
5 about the investigation into Mr. Foster's death?

6 A I heard that the initial meeting that they
7 were supposed to be at was delayed.

8 Q This would be Hume and Markland's meeting?

9 A Yes, that that was delayed, and I think
10 probably after that the --

11 Q Do you recall the meeting that you had
12 earlier on the 21st -- you indicating to the White
13 House officials that Hume and Markland would be
14 coming later that day?

15 A Yes.

16 Q And no objection was raised to --

17 A No. They said, like, to handle it as
18 routinely as possible.

19 Q Okay. And what more do you remember about
20 what Captain Hume or -- was it Captain Hume who
21 called you?

22 A Yeah.

1 Q Typically he would be the person that would
2 have been dealing with you?

3 A Yes, but he doesn't normally deal with me.
4 He would normally deal with Major Hines or his deputy
5 chief of operations under normal circumstances, but
6 this we wanted to be kept a little more apprised. We
7 were getting inundated, as you are well aware, by the
8 media. The phone lines -- we don't have anything
9 other than a normal chief's lines that are used for
10 the media, and we got to the point where we could
11 hardly conduct normal business because of the media
12 attention that this was generating.

13 But I do recall some dissatisfaction -- and
14 I'm not sure if that was later on the day or the next
15 day -- with the way the meeting was conducted; when
16 they finally had access to the room, to the office,
17 and there was some dissatisfaction there. And I'm
18 sure I had a comment or a conversation with Hume at
19 that time.

20 Q Do you recall Hume ever using the word
21 "stonewall"?

22 A Yes.

1 Q Could you state your -- when you heard him
2 use that word?

3 A That there was a lack of cooperation in the
4 way they conducted the access to the office and that
5 I think once they got into the office the way, the
6 manner in which they were denied access to the
7 documents.

8 Q But did he use the word "stonewall" to you?

9 A I recall the word being used. I'm not sure
10 when that conversation occurred.

11 Q Now, you indicated that there was some
12 dissatisfaction in the -- strike that.

13 Is it your understanding that on the 21st,
14 which would be the day after Foster died, Park Police
15 officers were not allowed into Mr. Foster's office?

16 A Yes.

17 Q Do you know why that was, why that
18 happened?

19 A No.

20 Q Do you recall anything more about your
21 conversations with Captain Hume with regard to not
22 being able to get into the office on the 21st?

1 A No. Somewhere during that time, maybe
2 prior to, the two or three days there are somewhat
3 mixed together and are somewhat of a blur. I do
4 recall that there was a phone call from the Attorney
5 General offering up all the support.

6 Q The Attorney General called you?

7 A Yes.

8 Q Had you ever spoken to the Attorney General
9 before?

10 A No.

11 Q Did she say why she was calling?

12 A Just to offer up any support that we needed
13 to deal with the White House.

14 Q How long was this conversation?

15 A Not long. I believe that Nussbaum had
16 talked to her and it was kind of like closing the
17 loop. He wanted us to deal through the Attorney
18 General in coordinating things; he must have spoken
19 to her and that probably prompted the call to us.
20 And it was just kind of like a closing of the loop.

21 Q Did the Attorney General indicate to you
22 that she would now be in charge of the investigation?

1 A I think -- no, it wasn't -- it wasn't a
2 take charge type of call. They're there to cooperate
3 with us and assist if necessary.

4 Q In your time at the Park Police, can you
5 ever recall a similar instance in which, the Attorney
6 General would have gotten involved in an
7 investigation?

8 A No, I can't recall except maybe back during
9 the early years that I was on the job with
10 Resurrection City, some of the civil rights
11 demonstrations and things such as that the Attorney
12 General got very involved in the activities that were
13 going on in the city.

14 Q Do you recall if Captain Hume or Detective
15 Markland were complaining to you about having to wait
16 at the White House for a long time --

17 A Yes.

18 Q -- on the 21st?

19 A Yes, long delays as I understand.

20 Q Do you recall whether there was ever a
21 meeting on the 21st until later in the day between
22 Captain Hume, Detective Markland and some Department

1 of Justice officials?

2 A No.

3 Q Do you recall if there was ever a meeting
4 on the 21st at which a protocol was established with
5 regard to how the documents in Foster's office would
6 be reviewed?

7 A No.

8 Q Do you recall any discussion at any time of
9 protocol that would allow the Department -- a
10 particular Department of Justice official to review
11 the documents?

12 A No, I don't.

13 Q Do you recall any change of plans with
14 regard to the protocol for review of documents?

15 A No, I didn't know that there was a protocol
16 on the review.

17 Q I'm just trying to jog your memory if I
18 can. Okay. Did there come a time at which Hume and
19 Markland were allowed to enter Foster's office?

20 A Yes.

21 Q Was that the next day, the 22nd?

22 A It probably was.

1 Q What do you recall about -- they reported
2 back to you?

3 A Yes, they did.

4 Q And what did they report back to you?

5 A That there was a very noncooperative
6 atmosphere, that Nussbaum personally was involved
7 with screening documents, that everyone had to sit in
8 a certain location, could not move, that he would
9 make a determination on whether the document was
10 relevant or not and they could not see that document
11 until he made the determination whether it was --
12 whether he was invoking executive privilege or
13 whether it could be relevant.

14 Q Do you recall whether they were allowed to
15 see any documents at that meeting?

16 MS. BURKE: Were you at the meeting?

17 THE WITNESS: I was not at the meeting.
18 I do not recall.

19 BY MR. GIUFFRA:

20 Q So you're just basing this -- okay. And
21 this would not have been normal procedure for the
22 police not to be able to look at them?

1 A The normal procedure would be that the
2 police officers would make the determination. They
3 would handle all documents, would make a
4 determination whether it had any content that was
5 good for the investigation or not.

6 Q Was it really a question of the police
7 being given an opportunity to review all the
8 documents rather than actually reviewing all the
9 documents?

10 A I'm not sure I understand the question.

11 Q Let me strike the question. That's an
12 ambiguous question.

13 Were Hume and Markland upset because they
14 were not allowed access to all the documents?

15 A You'd have to ask that to them, but I think
16 they were upset in a way that, one, the meeting was
17 being conducted, that they had held the investigators
18 at bay, that some things that were being determined
19 to be economic active privilege were things that like
20 a newspaper article or a newspaper which obviously is
21 public information, and they were concerned that they
22 could not even see a newspaper article.

1 So they felt that they were not getting the
2 proper access to the material they needed.

3 Q Were the Department of Justice -- were the
4 Department of Justice people at the meeting?

5 A The FBI was at the meeting.

6 Q And was the FBI given access to the
7 documents?

8 A No.

9 Q Do you recall anything with regard to an
10 FBI officer standing up at the meeting, being told
11 about that?

12 A I was told.

13 Q Just tell us what you were told.

14 A I was just told that an FBI agent stood up,
15 was told to sit down. That he was peeking at the
16 documents and that he should not be peeking, to sit
17 down. And that was -- that was just related to me as
18 a part of the meeting.

19 Q Do you recall anything else about the
20 report you received from Hume?

21 A No, just the overview would be that there
22 was a lack of cooperation in that meeting. That was

1 about the extent of it.

2 Q Now, did there come a time where you
3 contacted Mr. Collier?

4 A Yes, I did.

5 Q Was that on the same day, on the 22nd?

6 A I'm not sure if it was on the 22nd or after
7 that.

8 Q Did you call Mr. Collier or did Major Hines
9 call Mr. Collier?

10 A I think I was told that we needed to brief
11 Tom Collier on the incident, that there was a need
12 for the Department to know what happened.

13 Q Do you know whether that request came from
14 Mr. Collier?

15 A I have to assume that it did, but I'm not
16 sure.

17 Q Did you meet with Mr. Collier?

18 A Yes, I did.

19 Q Where was the meeting held?

20 A His office.

21 Q What could you recall about that meeting?

22 A I recall that we just basically gave the

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1 basic facts of the case, did not get into a lot of
2 specifics, very cooperative. He said in any way he
3 could help us, in any manner, that he'd be pleased to
4 do so. And I think we may have only met him once or
5 twice prior to this particular time.

6 Q In the entire time he'd been --

7 A It was really not a working relationship,
8 other than we had briefed him, I think, on one other
9 occasion on a sensitive situation. And he said any
10 way he could help us, he'd be pleased to do so.

11 Q Did you discuss with Mr. Collier the lack
12 of cooperation of the White House with regard to
13 access to Foster's papers?

14 A There was a time where -- and I'm not sure
15 if it was at that meeting or at a subsequent
16 conversation -- where we did request some assistance
17 from Mr. Collier on obtaining some telephone logs,
18 and that whatever, whatever occurred, the telephone
19 logs were eventually turned over to the Park Police.

20 Q Do you know whether Mr. Collier made any
21 phone calls to anyone at the White House?

22 A I don't know.

1 Q Do you know whether Mr. Collier spoke to
2 anyone at the Justice Department?

3 A I believe he did.

4 Q Did he tell you that he spoke to someone at
5 the Justice Department?

6 A No. I just -- I do know that we did, we
7 did ask that -- we notified him that there was some
8 lack of cooperation on obtaining some information
9 that we needed. And who he called at that particular
10 time I don't know, but I do know that after that, the
11 investigators told me that the White House staff
12 became very compliant in providing the information
13 that they requested.

14 Q Did you ever speak with the Secretary about
15 this investigation?

16 A No.

17 Q Do you know whether anyone else from the
18 Park Police ever spoke with the Secretary?

19 A Not to my knowledge.

20 Q Did you have any subsequent contacts with
21 the Attorney General?

22 A No.

1 Q Did you have any subsequent contacts with
2 anyone else from the Department of Justice?

3 A I don't believe so. I know there was a
4 Phil Heymann.

5 Q Yes?

6 A May have been a phone conversation with
7 him. And there was some contacts prior to a press
8 interview.

9 Q Did you ever speak with a Mr. Margolis?

10 A Yes.

11 Q Do you recall anything about those
12 conversations?

13 A I want to say it dealt with the releasing
14 of the note that Vince Foster had written, those 10
15 concerns.

16 Q What do you recall about the discovery of
17 that note?

18 A That I was advised that the note was torn
19 up, was in a bottom of a briefcase, that the
20 briefcase had supposedly -- they had been looking
21 into earlier, that they were going -- that the White
22 House staff was going through looking, providing that

1 information to -- you know, whether this was a
2 relevant piece of document or not, and that it was
3 maybe a day or so after that interview, that note was
4 discovered.

5 Q Do you recall that the briefcase -- did
6 Hume or Markland say anything about the briefcase
7 being empty during that initial search or review of
8 the documents?

9 A No.

10 Q Did they say anything to you indicating
11 their belief that they thought it was in any way
12 unusual that the note was found when it was found?

13 A There may have been some conversation; I
14 don't recall what that was.

15 Q Do you recall any indication from either
16 Hume or Markland, or anyone else from the Park
17 Police, of the suspicion that the note had been moved
18 at any time?

19 A No.

20 Q Do you know whether the note was sent to
21 the FBI for testing for fingerprints?

22 A It was sent to the Capital Police for their

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1 fingerprinting examiner or handwriting expert to look
2 at, I believe.

3 Q Any palm prints, were any palm prints found
4 on the note?

5 A I believe they found a smudged palm print.

6 Q Was any identification ever made of that
7 palm print?

8 A I don't know.

9 Q You never heard anything about that?

10 A I heard that there was a smudged palm print
11 that was not discernible.

12 Q Do you recall anything more about the
13 discovery of that note?

14 A That there was a missing piece.

15 Q Okay. Was the note immediately turned over
16 to the Park Police when it was found?

17 A No, it wasn't. When it was found, I
18 understand that the White House staff called, I guess
19 it was somebody from Justice, and I'm not sure if it
20 was Mr. Heymann or not, or the Attorney General. I'm
21 not sure but I think the Attorney General was called
22 up to the White House, or anyway I remember that,

1 just my recollection is that they asked for the
2 advice, what do we do with this note. They said turn
3 it over to the Park Police, and I understand it was
4 turned over shortly thereafter.

5 Q Would normal procedure upon the discovery
6 of a note such as the Foster note be to turn it
7 immediately over to the Park Police?

8 A I would think so.

9 Q The problem with the delay is that there
10 might be a loss or destruction of evidence?

11 A Yes.

12 Q Or contamination of evidence?

13 A Contamination, yes.

14 Q Do you recall anything more about the note?

15 A No. The note obviously had some input into
16 the state of mind possibly. I know that there had
17 been an interview with the spouse.

18 Q Was the note considered by the Park Police
19 to be an important piece of evidence?

20 A I would say as far as the state of mind,
21 probably so. Not as far as the actual suicide
22 itself.

1 Q So it would be significant evidence in
2 terms of being able to reach the conclusion, which
3 the Park Police ultimately did, that there was a
4 suicide?

5 A Well, with or without that note I think
6 they would have reached the same conclusion, so it
7 was just as you deal with the preponderance of
8 evidence, these were the things that were bothering
9 him. His wife said that she had encouraged him to
10 write down the things that were bothering him. She
11 assumes that that might be the reason he wrote down
12 that information. It was not a suicide note.

13 MR. KRAVITZ: I'm sorry. It was not what?

14 THE WITNESS: It was not a suicide note as
15 we would traditionally see a suicide note. There was
16 no way -- there was nothing in there that said I am
17 committing suicide or I am killing myself because.

18 BY MR. GIUFFRA:

19 Q Do you have any knowledge with regard to
20 any removal of documents from Mr. Foster's office by
21 anyone in the days following his death?

22 A I have no knowledge other than information

1 I received that there may have been some trash
2 removed out of the office, and possibly -- and also,
3 I'm sorry, I heard that there may have been a box
4 removed, but --

5 Q Do you recall who you may have heard that,
6 about the box being removed from?

7 A No.

8 Q Was that information that you learned from
9 someone at the Park Police?

10 A Yes.

11 Q You don't recall who would have told you
12 that?

13 A No.

14 Q Do you recall whether there was concern
15 about this box being removed?

16 A Certainly.

17 Q Was it perhaps Detective Markland who
18 mentioned the box being removed?

19 A It may have been but we had running
20 conversations on these things. It could have been
21 either Markland, Hume or Hines.

22 Q Do you recall anything more about this box?

1 A No.

2 Q Anything more about the trash?

3 A I heard that it had been replaced,
4 retrieved.

5 Q Do you know whether -- was there any
6 concern that perhaps not all the trash had been
7 retrieved?

8 A I don't know.

9 Q So it's your understanding that some trash
10 was removed from Mr. Foster's office and then
11 returned to Mr. Foster's office?

12 A Yes.

13 Q Were Park Police investigators ever given
14 an opportunity to look at all the documents in
15 Mr. Foster's office?

16 A No.

17 Q Would they have liked to have had the
18 opportunity to review all the documents in his
19 office?

20 A Yes.

21 Q And is there a difference between having
22 the opportunity to review documents and actually

1 reviewing every document?

2 MS. BURKE: Do you understand the
3 question?

4 THE WITNESS: Yes. Yeah, I understand the
5 question. I feel it's a matter of needing the
6 freedom to have the opportunity to see all the
7 documents.

8 BY MR. GIUFFRA:

9 Q You might, for example, go into the office
10 and only look at some of the documents but the
11 ability to look at all of the documents provides some
12 assistance to your investigation?

13 A It may.

14 Q Why would that be?

15 A Well, you never know. Investigate -- or
16 anything could trigger a path of the investigation,
17 and you just want to acquire all the facts, all the
18 information and, you know, make a determination on
19 the information at hand.

20 Q So those would be investigatory
21 judgments --

22 A Yes.

1 Q -- whether you would look at every document
2 or just some of the documents?

3 A Yes.

4 Q But it would be normal practice to be able
5 to have access to all the documents?

6 A I would think so.

7 Q Did you ever learn of any transfer of any
8 documents from Mr. Foster's office to the White House
9 residence?

10 A No.

11 Q What do you recall about -- did there come
12 a time at which Park Police investigators interviewed
13 White House officials with regard to Mr. Foster's
14 state of mind?

15 A I believe so, but I'm not sure.

16 Q Do you recall anything about those
17 interviews?

18 A No.

19 Q Do you recall any concern being expressed
20 by either Captain Hume or Detective Markland with
21 regard to the presence of White House lawyers at
22 those interviews?

1 A I'm not certain. I know that there seemed
2 to be a concern over Foster's attorney attending many
3 of the -- some of the meetings, but I can't say for
4 certain.

5 Q Do you know whether Park Police
6 investigators ever looked at documents at the office
7 of Mr. Foster's attorney, Mr. Hamilton?

8 A Yes, I believe so.

9 Q What do you recall about that review?

10 A I believe that they had requested to see
11 some documents, and it was done in his office which
12 was a little unusual, but I don't recall much about
13 that.

14 Q Why would it have been unusual?

15 A I don't know. They just had expressed some
16 concerns about it.

17 Q Were they concerned about the fact that the
18 documents were given to Mr. Foster's attorney before
19 they were shown to the Park Police?

20 A Probably so.

21 Q Would that be a usual procedure?

22 A Not normal in an investigation like that.

1 The documents would normally be turned over to the
2 investigators and not to an attorney to evaluate.

3 Q And the investigators would then turn them
4 over to the attorney?

5 A Yes.

6 Q Why would you normally have the
7 investigators take control of the documents?

8 A Well, because it may have relevant
9 information, you want to limit the chain of custody
10 to these documents to protect the document from being
11 altered in any way or pages being deleted.

12 Q Captain -- I'm sorry. Chief, let me show
13 you -- let's have this marked as Exhibit 1. This is
14 a New York Times article in which you're quoted.
15 It's dated August 11, 1993. It's headline is "Note
16 left by White House aide: Accusation, anger and
17 despair." It's by a man named R.W. Apple and it
18 appeared on the front page of The New York Times.

19 If you could just glance at the article,
20 and then I'm going to ask you what you can recall
21 about --

22 MR. KRAVITZ: Do you have a copy of that

1 for me?

2 MR. GIUFFRA: Unfortunately I don't. I can
3 get you one.

4 MR. KRAVITZ: Well, I'd like to look at it
5 before you ask him a question about it.

6 MR. GIUFFRA: No problem.
7 (Witness reviewed the document.)

8 BY MR. GIUFFRA:

9 Q You don't have to read much beyond page 3.

10 MR. KRAVITZ: You are free to read the
11 entire document if you wish.

12 BY MR. GIUFFRA:

13 Q You are free to read the rest of it, of
14 course, but the first three pages discuss the Park
15 Police and have statements purported to be from you
16 and Major Hines.

17 (Witness reviewed the document.)

18 A Okay.

19 Q Chief, first, you're quoted as discussing
20 the delay in terms of receiving the note. And I
21 think you've already testified that you were not
22 pleased about the delay?

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1 A That's right.

2 Q And you would have liked -- you should
3 have -- normal procedure would have provided that you
4 receive the note as soon as it was found?

5 A Yes.

6 Q Okay. You're further quoted as saying here
7 "our investigators would have liked to have seen
8 that briefcase and would have liked to have examined
9 the contents of it." Just what did you mean by that
10 statement?

11 A We would have liked to have had the freedom
12 to and to see if it was relevant information in the
13 briefcase.

14 Q And then you are quoted as saying that
15 Mr. Nussbaum "searched the briefcase" -- excuse me --
16 "out of the sight of our investigators"?

17 A Yes.

18 Q And what's the concern that you would have
19 had about that?

20 A That they would not have had access to see
21 if that note was in there or any other document that
22 may have been of importance to the investigation.

1 Q In fact, had they been able to examine the
2 briefcase, the questions that have now subsequently
3 arisen about whether the note was in the briefcase or
4 not might not have occurred?

5 A That's correct.

6 Q Do you think your investigators would have
7 found that note?

8 A Yes.

9 MS. BURKE: That's speculative, isn't it?

10 MR. GIUFFRA: He can speculate.

11 MS. BURKE: If you want to speculate.

12 THE WITNESS: If it was a thorough
13 investigation, I would assume that they would have
14 had -- all the contents of that briefcase would have
15 been out of there.

16 BY MR. GIUFFRA:

17 Q Did Captain Hume or Detective Markland ever
18 express to you their view that, had they been allowed
19 to see the briefcase, they would have found the note?

20 A Yes.

21 Q What do you recall them saying to you about
22 that?

1 A They -- just their dismay at not having
2 access to the information that they needed or to the
3 material in order to do the search.

4 Q Did they ever indicate to you that there
5 was something unusual about the fact that the note
6 was not found until after Mr. Nussbaum had done the
7 search of the briefcase?

8 A The whole investigation was unusual. I
9 mean when you say unusual, everything about it was
10 very unusual. And so to use that term specifically
11 on the briefcase, I think everything about it was
12 unusual, and they were disappointed they didn't have
13 the opportunity to look at it. I don't know if they
14 used that particular word.

15 Q Suspicious?

16 A Maybe.

17 Q Did they think it was suspicious that the
18 note was not initially found?

19 A They thought it was unusual that it was not
20 found initially.

21 Q Now, there's a discussion, the reporter
22 talks about a dispute over a box of papers being

1 taken from Mr. Foster's office. And then, although
2 they don't exactly quote you, they say that you
3 said --

4 MR. KRAVITZ: I object. I don't even know
5 whether Chief Langston spoke with The New York Times,
6 if he didn't and they're just paraphrasing him from
7 press -- let me finish my objection -- if The New
8 York Times is paraphrasing Chief Langston from the
9 press briefing on August 10th, 1993. I think in
10 fairness to Chief Langston and to the accuracy of the
11 record, we ought to bring out the transcript of which
12 we all have copies and show that to Chief Langston
13 rather than listening to somebody paraphrase
14 something.

15 BY MR. GIUFFRA:

16 Q You might have spoke to this reporter at a
17 time on or about at the briefing?

18 A Who is the reporter?

19 Q R.W. Apple, New York Times.

20 A No, I didn't talk to him.

21 Q Do you recall saying anything about a box
22 of materials being removed from the office?

1 MR. KRAVITZ: Do you mean at the press
2 conference on August 10th?

3 MR. GIUFFRA: At any time.

4 MR. KRAVITZ: He said stuff about that
5 during his deposition, Bob.

6 BY MR. GIUFFRA:

7 Q Other than at your deposition?

8 A My deposition when?

9 Q Today.

10 A Oh. I'm thinking I haven't had -- no, I
11 don't recall even saying that in the press
12 conference. I reviewed part of the videotape last
13 night. I don't recall even addressing that. It may
14 have been -- everything at that point was hearsay, as
15 far as I was concerned, that I was just being told
16 that the box had been removed and the trash had been
17 brought back.

18 (Witness conferred with counsel.)

19 THE WITNESS: The first quote was
20 accurate. The second quote may be accurate. I just
21 don't have a recollection of it.

22 BY MR. GIUFFRA:

1 Q I also wanted to confirm on the record that
2 he didn't speak to the reporter at some time other
3 than at the press briefing, which is entirely
4 possible, and the New York Times is a major
5 newspaper, and you might have spoken to this
6 reporter?

7 A Most of these interviews I just kind of --
8 the press conference was the only time I had access
9 to the press except perhaps several months later I
10 had a press interview with somebody from the Boston
11 Globe. I allow Major Hines to do all that work.

12 Q To the best you can recall, the only other
13 reporter you spoke to privately would be the Boston
14 Globe?

15 A Yes.

16 Q Do you recall what you said to that
17 reporter from the Boston Globe?

18 A I did have a discussion out in the hall and
19 he was from a New York newspaper. I told him he
20 needed to get his facts straight, that he was doing a
21 lot of misquoting. I forget the gentleman's name.
22 You'll have to refresh my memory on that.

1 (Discussion off the record.)

2 BY MR. GIUFFRA:

3 Q It's possible -- is it possible you may
4 have spoken to this reporter other than at the press
5 briefing?

6 A I don't believe so.

7 Q Perhaps on the way out?

8 A I talked to one reporter on the way out who
9 was from New York and did not -- and basically the
10 facts -- I was telling him he had his facts all
11 messed up.

12 Q Do you remember what was -- how he was
13 messed up in his facts?

14 A I don't recall that.

15 Q I mean again, just looking at the newspaper
16 article, and believe me as someone who has dealt with
17 reporters myself, I know that they often get things
18 wrong. But this article says "contacted again
19 tonight, after Justice Department officials had
20 talked to him, Chief Langston said it was possible
21 that a cleaning crew had removed the materials. 'I'm
22 not sure it wasn't trash or it could have been

1 personal effects.'?"

2 A I don't recall saying that. I do recall
3 that we were discussing that around that time. I
4 don't recall saying that to a reporter.

5 Q But it's possible you may have?

6 A It's possible, yes.

7 Q It is your understanding that some
8 materials were removed from that office after
9 Mr. Foster died, at some point?

10 A I had received some information that that
11 may have occurred.

12 Q And you don't know whether it, for sure,
13 whether it was a box or whether it was trash?

14 A I don't know if it did or did not occur, to
15 begin with. I had just received information that it
16 possibly had occurred.

17 Q Okay. And you can't remember anything more
18 about that information?

19 A No.

20 Q You don't remember who --

21 A I remember that there was a discussion
22 about a bag of trash and there may have been a box.

1 Q In retrospect, Chief, was there anything in
2 Park Police might have done differently with regard
3 to the sealing of Mr. Foster's office?

4 A Well, there are probably a lot of things
5 that we would have done differently if we had the
6 case to redo again. Like every investigation you
7 look at, there are things that you could always
8 change around. We'd like to have had that office
9 sealed and we'd liked to have had free access to the
10 documents. We do realize there is national security
11 involved in many documents, but our people do have
12 top secret clearances.

13 Q Did the Park Police receive access to all
14 the documents that they wanted to see in connection
15 with Mr. Foster's death?

16 A I don't know.

17 Q Do you recall ever speaking to Mr. Collier
18 about whether you received access to all the
19 documents you wanted to see? "You" being the Park
20 Police generally.

21 A No, only -- my only specific conversation
22 with Tom Collier was on the telephone logs and things

1 such as that.

2 Q Getting telephone logs?

3 A Getting the information, access.

4 Q These would be Foster's logs?

5 A Yes.

6 Q Do you recall telling, discussing whether
7 you were satisfied or dissatisfied with the White
8 House cooperation with Collier?

9 A I think my general statement had been at
10 one time that I was displeased with the way things
11 had been going with the White House; it was slow,
12 methodical, there was a lot of roadblocks, but
13 eventually everything that we wanted, we were then
14 provided. And, you know, so I can't -- I won't say
15 that there wasn't anything that they did not provide
16 to us, to my knowledge. It was just a lot of jumps
17 that we had to run over, hurdles that we had to go
18 over to get the information.

19 Q But the Park Police were never given an
20 opportunity to review all the documents in
21 Mr. Foster's office?

22 A I don't know that -- no, to my knowledge,

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1 that is correct.

2 Q And you would have liked to have seen all
3 the documents in Mr. Foster's office, at least had
4 the opportunity to review all the --

5 A Had the opportunity to.

6 Q In terms of the closing of the Foster
7 investigation, did the FBI -- did the Department of
8 Justice want the Park Police to close its
9 investigation at the same time as the FBI was going
10 to close its investigation?

11 A No, I don't know. We didn't have any
12 discussion about that at all.

13 Q Do you recall anything more about the
14 closing out of the investigation?

15 A We had to bring it to a conclusion. We had
16 all the facts. We weren't, I don't think, getting
17 any additional information. We do know that there
18 was a parallel investigation going on with the FBI on
19 the withholding of the note.

20 Q Do you know anything more about that
21 investigation?

22 A No, we were cooperating fully with the FBI

1 on it. I didn't get involved in it at all.

2 Q What do you know about that investigation,
3 just they were looking into the fact that the note
4 wasn't turned over?

5 A Well, they wanted us to provide, provide
6 them the original note, which we did, and all the
7 information that we had pertaining to it, which we
8 did, and the investigators from the FBI conducted
9 their interviews with the White House staff.

10 Q Were you ever questioned by the FBI agents
11 about the handling of the papers in Mr. Foster's
12 office, you personally?

13 A During this particular time or back
14 during --

15 Q Any time.

16 A Only, there was a special counsel
17 investigation, Agent Columbel and Agent Larry Monroe
18 interviewed me on the Whitewater -- not the
19 Whitewater but the Foster, Vincent Foster suicide.

20 Q Do you recall when that was?

21 A Probably a year or so -- it was about a
22 year after the incident.

1 Q So probably July of '94?

2 A Probably so.

3 Q Did you ever talk to the FBI again?

4 A No.

5 Q Did you ever testify in front of a grand
6 jury?

7 A No.

8 Q All right. Given that this part of the
9 committee's inquiry has to do with the handling of
10 the documents in Mr. Foster's office, can you think
11 of anything else the committee should know with
12 regard to that subject matter that you have knowledge
13 of?

14 A No.

15 Q I've asked you every possible question --

16 A I think so.

17 Q -- with regard to that subject matter that
18 you can think of?

19 A I think so.

20 MR. GIUFFRA: Okay. No further questions.

21 MR. IVEY: Can we take about a 10-minute
22 break?

1 MS. BURKE: Well, what's the -- I mean.

2 THE WITNESS: Of course I have to -- do you
3 know how long your questioning is going to be?

4 MR. KRAVITZ: I would predict about an
5 hour.

6 THE WITNESS: Can we reschedule this?

7 MS. BURKE: Can we come back in the
8 afternoon?

9 MR. KRAVITZ: Probably not because we have
10 more depositions this afternoon. I mean it depends
11 what you mean, what time you mean when you say "can
12 we come back in the afternoon."

13 (Discussion off the record.)

14 (Recess.)

15 EXAMINATION

16 BY MR. KRAVITZ:

17 Q Chief Langston, again my name is Neal
18 Kravitz and I'm counsel for the Democratic members of
19 the Senate Whitewater Committee. I'm going to ask
20 you some follow-up questions, both in some of the
21 areas that Mr. Giuffra asked you questions, and some
22 in new areas.

1 Just as a general matter, with the
2 exception of being briefed by Mr. Hume and
3 Mr. Markland and speaking with other certain high
4 level officials either at the White House or other
5 government agencies like the Interior Department, did
6 you have any direct involvement in the investigation
7 of Vincent Foster's death?

8 A No.

9 Q And so all of the information that you
10 provided during Mr. Giuffra's questioning this
11 morning about what actually happened to the Park
12 Police investigators at the White House or elsewhere
13 was based on what you've been told by others; is that
14 right?

15 A That's correct.

16 Q You have no personal knowledge of what
17 happened to Detective Hume or Detective Markland at
18 the White House, do you?

19 A That's correct.

20 Q Just a few questions about your experience
21 that Mr. Giuffra touched on. Have you ever, in any
22 time as a law enforcement official, have you ever

1 directed a suicide investigation?

2 A No, I've only caused it to occur, the
3 investigation, but not directed the investigation.

4 Q And I think you testified earlier that you
5 had been at the scene of somewhere between 20 and 25
6 suicides during your career?

7 A Yes.

8 Q And in none of those cases you directed the
9 investigation?

10 A That's correct.

11 Q Have you ever actually worked on a suicide
12 investigation, other than simply being present at the
13 scene?

14 A No.

15 Q How about homicide investigations, in your
16 career as a law enforcement official, have you ever
17 directed a homicide investigation?

18 A No.

19 Q Have you ever conducted any part of a
20 homicide investigation --

21 A No.

22 Q -- as a law enforcement official?

1 A No.

2 Q Have you ever had any occasion to ask that
3 an office be sealed as part of any type of law
4 enforcement investigation you've been involved in?

5 A No.

6 Q To your knowledge, has the Park Police ever
7 asked that an office be sealed other than
8 Mr. Foster's office?

9 A Not to my knowledge.

10 Q Now it's your testimony that, at some point
11 on early on the morning of July 21, 1993, you learned
12 that certain Park Police officers had made a request
13 the night before that Mr. Foster's office be sealed;
14 is that correct?

15 A That's correct.

16 Q Who did you learn that from?

17 A Major Hines.

18 Q And that was during a conversation had you
19 with Major Hines where?

20 A Probably in my office the following
21 morning.

22 Q And the purpose of your conversation with

1 Major Hines was for Major Hines to brief you on the
2 status of the investigation?

3 A Yes.

4 Q What exactly did Major Hines tell you
5 during that conversation in your office early in the
6 morning of July 21, 1993 regarding requests made by
7 the Park Police to have Mr. Foster's office sealed?

8 A That it was either the detective or the
9 shift commander requested from the White House, the
10 Secret Service that the office be sealed, and that
11 was basically it.

12 Q So your testimony is that early in the
13 morning of July 21, Major Hines told you that the
14 previous night, July 20, the Park Police had made a
15 request to the Secret Service that Mr. Foster's
16 office be sealed?

17 A Yes.

18 MR. GIUFFRA: He also testified the White
19 House too.

20 MR. KRAVITZ: Well, I don't believe that he
21 did say that, but I'll ask the follow-up question.

22 BY MR. KRAVITZ:

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1 Q Let me just repeat that. Is it your
2 testimony that in the early morning of July 21, 1993,
3 Major Hines told you that the Park Police had made a
4 request to the Secret Service the night before that
5 Mr. Foster's office be sealed?

6 A I believe that's true, yes.

7 Q According to what Mr. Hines told you on the
8 morning of July 21, 1993, did the Park Police make a
9 request to anyone outside the Secret Service that
10 Mr. Foster's office be sealed?

11 A Well, you know, when you talk of Secret
12 Service, I'm not sure if they're talking of Secret
13 Service agent or Secret Service uniformed division.
14 I'm not -- you know, those are two separate but yet
15 they're classified as one group on many occasions,
16 and I think that it was to that group that it was a
17 request to seal the office.

18 Q To which group?

19 A Secret Service.

20 Q Okay. But you distinguished between Secret
21 Service employees, whether agents or uniform division
22 officers, and White House employees, don't you?

1 A Yes.

2 Q So based on what Major Hines told you on
3 July 21, 1993, your understanding was that no request
4 had been made on July 20th to a White House official?

5 A No, to Secret Service, that's right.

6 Q So let me --

7 A Not a White House official.

8 Q I'm going to repeat the question just so
9 the record is absolutely clear, and I apologize for
10 being repetitive. If you could let me finish before
11 you answer, I think that will make the record
12 clearer.

13 And the question is this: Based on what
14 Major Hines told you in your office early in the
15 morning of July 21, 1993, your understanding was that
16 the Park Police, on the night before, July 20th, had
17 made a request to the Secret Service to have
18 Mr. Foster's office sealed, but not to any White
19 House officials?

20 A Yes.

21 Q Did you speak with anyone other than Major
22 Hines on July 21, 1993 regarding the issue of who the

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1 Secret Service -- I'm sorry, who the Park Police
2 asked to have Mr. Foster's office sealed?

3 A May have discussed it with Captain Hume.

4 Q When did you discuss that issue with
5 Captain Hume?

6 A May have been in the in the outer offices
7 of the White House there, when I was discussing --
8 after we were outside, of the initial briefing to the
9 White House staff.

10 Q So that would have been sometime
11 mid-morning July 21?

12 A Yes, sir.

13 Q What do you remember Captain Hume telling
14 you on the subject of requests that the office be
15 sealed?

16 A That the office, that they had requested
17 the office be sealed and that may have been, may not
18 have been accomplished.

19 Q Did Captain Hume tell you, at the White
20 House on July 21, 1993, who he had asked to seal
21 Mr. Foster's office?

22 A I don't believe so. May have been Secret

1 Service involved in that conversation, but I don't
2 recall.

3 Q May have been Secret Service involved in
4 which conversation?

5 A In the conversation with Hume, but I'm not
6 totally sure.

7 Q You mean the conversation that Hume may
8 have had the night before, on July 20th?

9 A No, my conversation with Hume at that time.

10 Q Let me just ask you a question, a general
11 question of protocol.

12 Between agencies, law enforcement agencies
13 in the federal government, based on your experience
14 as a high level official in the Park Police, what
15 would you say is the proper or preferred approach or
16 protocol for asking that an office, a working office
17 in the west wing of the White House be secured or
18 sealed?

19 A I don't think there is a standard
20 protocol. I guess if -- in retrospect, I would
21 probably call the director of the Secret Service and
22 ask that that be accomplished. But at that

1 particular time, the investigator called, I believe
2 the agent in charge, whoever he might be, at the
3 White House to ask that that be accomplished.

4 Q Would you also consider contacting a senior
5 FBI official at the White House?

6 A Well, I don't think we were aware that
7 there was a senior FBI official at the White House.

8 Q Do you know a man named John Magaw?

9 A Yes, I do.

10 Q What was Mr. Magaw's position as of July
11 1993?

12 A He was director of the Secret Service.

13 Q Did you speak with Director Magaw at any
14 time during this time period we've been talking
15 about, July 20, 21, 22, 1993?

16 A I don't believe so.

17 Q Would it refresh your memory to learn that,
18 in his deposition before this committee, Director
19 Magaw testified that he contacted you on the morning
20 of July 21, 1993 and offered the Secret Service's
21 cooperation and assistance in the event that you
22 needed it?

1 A Got a lot of phone calls that morning. It
2 may have been John Magaw called me. We are personal
3 friends. He is very supportive.

4 Q So is it your answer that hearing about
5 Director Magaw's testimony still does not refresh
6 your memory?

7 A It could have occurred. I just don't
8 recall it occurred.

9 Q Did you feel -- strike that.
10 You testified that you and Director Magaw
11 are personal friends?

12 A Yes.

13 Q You've worked with him in the Washington
14 law enforcement community for a long time?

15 A Yes.

16 Q Back in July of 1993, did you feel
17 comfortable contacting Director Magaw and relating
18 any concerns you might have in an investigation?

19 A Yes.

20 Q Did you contact John Magaw at any time,
21 relating to the Vince Foster death investigation, to
22 relate any concerns to him?

1 A I don't believe I did.

2 Q Did you ever call Director Magaw and
3 complain about the fact that Park Police
4 investigators were having trouble conducting their
5 investigation at the White House?

6 A I don't recall.

7 Q You testified that you first learned of
8 Mr. Foster's death on the night of July 20th, 1993
9 when Lieutenant Gavin contacted you by telephone; is
10 that right?

11 A Yes.

12 Q And I believe you testified that, during
13 that telephone conversation with Lieutenant Gavin,
14 you did not instruct him to have Mr. Foster's office
15 sealed?

16 A That's correct.

17 Q Did you consider whether Mr. Foster's
18 office should be sealed during the time that you were
19 talking with Lieutenant Gavin on July 20, 1993?

20 A I barely knew the facts of the case, other
21 than we had an official from the White House that
22 had -- was dead in the park at Fort Marcy and that

1 was -- I don't normally micromanage investigations so
2 no, I did not direct that.

3 Q Did anyone other than Major Hines prepare
4 you for the briefing of the White House staff on the
5 morning of July 21, 1993?

6 A I don't recall.

7 Q You don't remember anyone else preparing
8 you?

9 A No.

10 Q So your knowledge, the knowledge about the
11 investigation that you provided to White House staff
12 on the morning of July 21 was based on what Major
13 Hines told you?

14 A Yes.

15 Q And Major Hines told you that, did he not,
16 that the preliminary finding was that this was a
17 suicide?

18 A That every indication was that it was
19 looking like a suicide, yes.

20 Q And that is -- and that was a statement
21 that you repeated during the White House briefing on
22 the morning of July 21, 1993, isn't it?

1 A That preliminary information, yes, would
2 indicate that we did not, we did not judge it as a
3 suicide at that time.

4 Q As you mentioned just a few minutes ago,
5 did you tell the White House staff on July 21, 1993
6 that every indication was that this was a suicide,
7 even if a final determination had not yet been made?

8 A I think we probably used those terms,
9 indication that it was a suicide, yes.

10 Q Did you give the briefing to the White
11 House staff or did Major Hines?

12 A It was a combination of information, it was
13 more of a free-flowing conversation. I think I
14 started it out and Major Hines probably gave some
15 more of the information I didn't have knowledge of.

16 Q How long did that briefing last?

17 A Between a half an hour and an hour.

18 Q Do you recall if there also were Secret
19 Service officials present at that briefing?

20 A I'm not sure. There may have been one.

21 (Discussion off the record.)

22 BY MR. KRAVITZ:

1 Q I apologize for that interruption. During
2 the -- I just want to go back to something you said
3 earlier about the briefing of the White House staff
4 that you and Major Hines provided on the morning of
5 July 21, 1993.

6 I was a little bit confused about your
7 testimony about whether there was any discussion
8 during that briefing as on the issue of whether
9 Mr. Foster's office had in fact been sealed. And I
10 believe your testimony ultimately was that you do not
11 remember whether the subject of sealing Mr. Foster's
12 office was actually discussed in that briefing of
13 White House staff; is that correct?

14 A That's correct.

15 Q You testified that Detective Markland is,
16 in your opinion, very experienced and professional.
17 To your knowledge, how many suicide investigations
18 has Detective Markland been involved in?

19 A I can't tell you that, but to establish his
20 credibility, I suggest that the U.S. Attorney for the
21 state of Maryland just presented him, during this
22 investigation of the Foster case, the State's

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1 Attorneys award for the state of Maryland for an
2 outstanding homicide investigation he completed on a
3 homicide carjacking.

4 Q Are you aware of any suicide investigations
5 Detective Markland has worked on other than
6 Mr. Foster's case?

7 A I'm not aware of his workload. I just know
8 that the cases that he works are very credible.

9 Q You're not aware of any suicide
10 investigations Detective Markland has been involved
11 in other than the Foster case?

12 A No, I'm not.

13 Q What about Major Hume -- I'm sorry,
14 Detective Hume, are you aware of any suicide
15 investigations that Detective Hume has been involved
16 in other than the Foster case?

17 A No, I'm not.

18 Q In response to one of Mr. Giuffra's
19 questions, I think you agreed with him when he
20 posited to you his opinion that it was not normal
21 procedure during the search of an office not to
22 permit police officers to look at all of the

1 documents. You remember that testimony?

2 A Yes.

3 Q I mean is there a normal procedure that
4 would apply to looking at documents inside the deputy
5 counsel to the President's office?

6 A No.

7 Q Particularly in a suicide investigation?

8 A Well, there's always the possibility you go
9 to the U.S. Attorney and get a warrant, a search
10 warrant.

11 Q Did anyone do that?

12 A Not to my knowledge.

13 Q Was there any, to your knowledge, was there
14 any consideration about whether the Park Police
15 should go to the U.S. Attorney or judge for seeking a
16 search warrant?

17 A Chief of -- not the chief of staff, but
18 Mr. Nussbaum said they would provide full
19 cooperation, so it did not appear at that particular
20 time there was a need to do these other things.

21 Q After the search of Mr. Foster's office on
22 July 22, 1993 when, as you've testified, the Park

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1 Police officers involved were dissatisfied with the
2 level of their access to the documents in
3 Mr. Foster's office, was there any discussion among
4 senior Park Police officials about whether or not to
5 go to a judge or to the U.S. Attorney to seek a
6 search warrant?

7 A No, there was no discussion at that point.
8 That was right about the time I talked to Mr. Collier
9 to see if we could get the material that we requested
10 provided, and after that conversation, they did
11 provide information.

12 Q When did you speak with Mr. Collier, the
13 conversation you've just been testifying about?

14 A I don't have the date.

15 Q Was it shortly after the July 22nd office
16 search?

17 A I would say that it was probably a day or
18 two after that.

19 Q What exactly did the Park Police receive
20 after you spoke with Mr. Collier that the Park Police
21 had not received before you spoke with Mr. Collier?

22 A I believe telephone logs, and I'm not sure

1 what else.

2 Q But after you spoke with Mr. Collier, it's
3 your testimony that the White House provided
4 everything that the Park Police wanted?

5 A That they had requested, yes, that they had
6 requested.

7 Q Everything that the Park Police had
8 requested?

9 A Yes.

10 Q After you spoke with Mr. Collier, at least
11 as far as you know, the White House did not deny
12 access to any information that the Park Police
13 requested?

14 A Not to my knowledge.

15 Q Now, you gave a press briefing on August
16 10, 1993 along with Deputy Attorney General Philip
17 Heymann; is that right?

18 A Well, he was there. It was really with the
19 special agent in charge of the Washington field
20 office, Bob Bryant.

21 Q That was Agent Bryant --

22 A Yes.

1 Q -- from the FBI?

2 A Right.

3 Q So there were three officials present at
4 the press briefing, you, Heymann and Bryant?

5 A Yes, but I don't recall Heymann really
6 saying a whole lot in the press part of it.

7 Q It was mostly you and Agent Bryant?

8 A Yes.

9 Q And I have a transcript of that press
10 briefing, have you seen a transcript of the briefing?

11 A No.

12 Q I believe you testified earlier that you
13 watched a videotape of some of it?

14 A Uh-huh.

15 Q I'm just going to read one statement you
16 made from page OIC 564 of the transcript. And what
17 you say is this: "Let me comment on that. We
18 certainly weren't pleased at the way that was
19 conducted. Our investigators would liked to have
20 seen that briefcase and would liked to have examined
21 the content of files. It was -- executive privilege
22 was invoked. And we raised those concerns with the

1 Justice Department. And those concerns from the
2 Justice Department were raised with the White House,
3 and the White House staff became very compliant and
4 everything that we had asked for they provided to us
5 fully."

6 Do you remember making that statement at
7 the press briefing on August 10th, 1993?

8 A Yes.

9 Q What did you mean when you said that the
10 White House staff became very compliant?

11 A With providing information, that we
12 requested that they complied with the information
13 that we had requested.

14 Q Can you put a date on when it was that the
15 White House staff became, in your words, very
16 compliant?

17 A I can't.

18 Q Was it still in July, 1993?

19 A I would say it was in probably within that
20 week or two after the initial death, yes.

21 Q When you said "and everything that we had
22 asked for they provided to us fully." That was an

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1 accurate statement that you made?

2 A I understand that the information the
3 investigators were seeking was provided to them, yes.

4 Q And so as of August 10, 1993 at the time of
5 your press briefing, there was no information, to
6 your knowledge, that the Park Police had requested
7 from the White House and been denied access to?

8 A That's correct.

9 (Discussion off the record.)

10 BY MR. KRAVITZ:

11 Q At another point in the August 10th, 1993
12 press briefing that you were involved in, you were
13 asked this question and you gave this answer:
14 "Question: How many people handled it" -- referring
15 to the note -- "are there a sense of how" -- "was it
16 passed back and forth or were just his fingerprints
17 on it?" And your answer: "It was handled by a
18 number of people at the White House, and it was
19 processed. There were no real discernment of prints
20 that could be identified."

21 Do you remember making that, giving that
22 answer at the press briefing?

1 A Yes.

2 Q What was the basis of your statement that
3 note had been handled by "a number of people at the
4 White House"?

5 A Well, it was handled by the person who
6 found it, all the pieces. My limited knowledge is
7 that they tried to piece it together, I say "they,"
8 and then it was turned over to -- Mr. Nussbaum was
9 involved in it. Then they called the Attorney
10 General to sit there and show it and discuss it and
11 see if it was, needed to be returned. I'm just --
12 there were a few -- there were people at the White
13 House that handled the note.

14 Q Okay. And your understanding is that the
15 only print that was found on the various pieces of
16 this note was a palm print that was not identifiable?

17 A Yes.

18 Q Do you know whether the smudged palm print
19 was compared against the known palm prints of any
20 White House officials?

21 A No.

22 Q You don't know or you know that it was not?

1 A I don't know.

2 Q Now, you testified in response to one of
3 Mr. Giuffra's questions that it was "normal
4 procedure" for a note in a suicide investigation to
5 be turned over to the police immediately after it's
6 found. Do you remember that testimony?

7 A Yes.

8 Q What's your basis for that statement?

9 A Well, people normally are very anxious to
10 pass that type of information on to the police.

11 Q Do you think it's -- do you think it's
12 accurate to say that there's a normal procedure in a
13 situation in which a note is found in the office of
14 the deputy counsel to the President where all sorts
15 of executive and attorney-client privileges may
16 apply?

17 A There's nothing normal about this case. I
18 would -- I would assume that once they determined
19 that was a note, they I think were talking about it
20 as a suicide note.

21 Q And so is it your testimony then that, even
22 if there are normal procedures, that in a normal case

1 might require that a note be turned over immediately
2 after it's found, that really normal procedures are
3 almost meaningless in the Vince Foster case?

4 A You are trying to put words in my mouth on
5 this one.

6 Q That's what he did before.

7 A Yeah, I know. But I think it's normal --

8 MR. GIUFFRA: I object to that.

9 THE WITNESS: -- that once they found the
10 note, would normally turn it over to the police and I
11 think the Attorney General said the same thing. What
12 should we do with it, turn it on over to the police,
13 that's normally what's done.

14 BY MR. KRAVITZ:

15 Q Okay. Let me ask you this. You testified
16 that one of the reasons that it's important for notes
17 in suicide investigations to be turned over to the
18 police immediately is that delay can result in
19 contamination of evidence. What did you mean by
20 that?

21 A Well, a note could be destroyed, it may
22 have a meaningful relationship to the case. It could

1 have fingerprints on it which could be meaningful to
2 the case. The information that's in it could be
3 meaningful to the case. I mean, all that is to be
4 determined by the investigator.

5 Q What could the U.S. Park Police have done
6 had the note -- in terms of its investigation, had
7 the note been turned over on the afternoon of July
8 26, 1993 that the Park Police was not able to do when
9 the note was turned over, or after the note was
10 turned over on July 27th, 1993?

11 MS. BURKE: Isn't that a little speculative
12 on his part?

13 MR. KRAVITZ: I disagree.

14 THE WITNESS: I'm not the investigator and
15 I don't know what that would have done other than a
16 mind-set.

17 BY MR. KRAVITZ:

18 Q So your testimony is you can't think of one
19 investigative step that the Park Police could have
20 taken, had the note been turned over on July 26th,
21 that it was unable to take after the note was turned
22 over on July 27th, 1993, can you?

1 A No.

2 Q You testified earlier that the note that
3 was found in Mr. Foster's briefcase was not a suicide
4 note. What did you mean by that?

5 A Traditional in the sense that suicide notes
6 normally say, the people will say "I'm killing myself
7 because," and it never mentioned that he was killing
8 himself. It never was a traditional thing, a comment
9 to a loved one or anything that would indicate that
10 they were in the process of committing suicide or
11 taking their own life.

12 Q And I believe you testified that the Park
13 Police would have reached the same conclusion that it
14 did reach ultimately regardless of whether this note
15 had been found and turned over; is that right?

16 A That's correct.

17 Q And what you meant by that was that the
18 Park Police still would have determined that
19 Mr. Foster's death was as a result of suicide;
20 correct?

21 A That's correct.

22 MR. KRAVITZ: That's all I have. Thanks a

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1 lot, Chief.

2 THE WITNESS: Thank you.

3 EXAMINATION

4 BY MR. GIUFFRA:

5 Q Just very quickly. You testified about
6 whether the request to seal the office was made to
7 the Secret Service. You don't know whether the
8 request was made to a White House official who then
9 was going to make the request to the Secret Service?

10 A I'm not clear on that. I really don't
11 know.

12 Q You don't know the line of the request?

13 A No, I don't.

14 Q One other thing. On the question about
15 White House not denying the Park Police access to
16 anything, isn't it the case that the White House --
17 that the White House did not give the Park Police
18 access to documents in Foster's office that it would
19 have liked to have seen?

20 A There was no carte blanche access.

21 Q You would have liked to have had carte
22 blanche access?

1 A I think the investigators would.

2 MR. GIUFFRA: That's it.

3 EXAMINATION

4 BY MR. KRAVITZ:

5 Q Okay. Actually one follow-up question. I
6 apologize. But you've testified that everything the
7 Park Police asked for the White House provided?

8 A That's correct.

9 Q And so does it follow then that, at least
10 as far as you know, the Park Police investigators
11 never asked the White House for carte blanche access
12 to those documents in Mr. Foster's office?

13 A I think the investigators would liked to
14 have seen all the information that was available
15 there. It may have been totally irrelevant to the
16 case, but it was -- the investigators would have to
17 sit down and decide whether it was relevant or not.
18 I think that was the feeling.

19 Q Based on what you know, did any of the Park
20 Police investigators ever ask to have carte blanche
21 access to the documents in Mr. Foster's office or
22 words to that effect?

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1 A I can't say, I can't say what the ground
2 rules were when they sat down in that office to
3 determine what they would see, what they would not
4 see, and I don't know what the words of the
5 investigators were to Mr. Nussbaum.

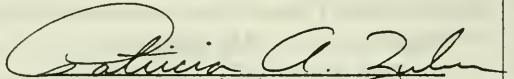
6 MR. KRAVITZ: Okay. Thanks.

7 (Whereupon, at 12:05 p.m., the deposition
8 was concluded.)
9

10 -----
11 ROBERT E. LANGSTON
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CERTIFICATE OF NOTARY PUBLIC & REPORTER

I, PATRICIA A. ZUBER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.


Notary Public in and for the
District of Columbia

My Commission Expires FEBRUARY 14, 2000

**DEPOSITION OF SYLVIA M. MATHEWS
IN RE: S. RES. 120**

TUESDAY, JUNE 27, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of SYLVIA M. MATHEWS, called for examination pursuant to notice of deposition, at 4:03 p.m. in Room 116-A of the Hart Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

ROBERT J. GIUFFRA, JR., Esq.
Majority Chief Counsel
LANCE COLE, Esq.
Minority Deputy Special Counsel
RICHARD BEN-VENISTE, Esq.
Minority Special Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

MICHAEL WAITZKIN, Esq.
Nussbaum & Wald
One Thomas Circle, NW, Suite 200
Washington, DC
On behalf of the Deponent.

ALSO PRESENT: VINCENZO A. DELEO

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EXHIBITS

Sylvia M. Mathews DEPOSITION NUMBER	IDENTIFIED
Deposition Exhibit Z139	103, 1380
Deposition Exhibit Z140	108, 1381

P R O C E E D I N G S

MR. GIUFFRA: Ms. Mathews, my name is Robert Giuffra. I'm the chief counsel of the Senate Banking Committee. To my right is Lance Cole, who is a Democratic deputy special counsel for the Whitewater Committee, and behind me is Vincenzo Deleo, who works with the Majority staff.

This deposition is being conducted pursuant to Senate Resolution 120. This resolution establishes a special committee administered by the Banking Committee to conduct an investigation involving Whitewater Development Corporation, Madison Guaranty Savings & Loan association, Capital Management Services, Inc., the Arkansas Development Finance Authority and other related matters.

Now, Section 1.B.1 of Senate Resolution 120 authorizes an investigation and public hearings into "whether improper conduct occurred regarding the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster following his death." And that will be the focus of today's deposition.

4

If at any time you want to look at the resolution, I can get it for you. This is just to make the record. You are requested to testify in a letter to Jane Sherbourne on June 21, 1995 and Ms. Sherbourne is special counsel to the President. This deposition is in advance of public hearings that the Committee intends to hold in July of this year. There's some possibility you'll be asked to testify and we'll give you notice so you can plan your schedule around those public hearings.

Today I'll be asking you a series of questions and then Mr. Cole will be asking you a series of questions. You'll be testifying under oath. If at any time you don't understand a question, please let me know and I'll rephrase it. I sometimes have a tendency to speak quickly -- being from New York -- so let me know if I need to slow down at all. If at any point you need a break, let me know. People sometimes like to break every hour or so. We can keep going. I don't think this will be a long deposition. Hopefully it won't be.

The stenographer will prepare a record of

1 the questions and your answers. The deposition will
2 be treated as committee confidential until the
3 commencement of the hearings, meaning that it will
4 not be disclosed to the press or to the public. At
5 some later date, it may well be disclosed, but it
6 will more likely be after public hearings and it will
7 be put in a bound book that the Committee will issue
8 with whatever reports that it issues, and this was
9 something that was done last year in connection with
10 similar type hearings. You have a right to be
11 represented by counsel and I see you are represented
12 by counsel.

13 If counsel would state an appearance for
14 the record.

15 MR. WAITZKIN: My name is Michael Waitzkin
16 and I'm with the law firm of Nussbaum & Wald in
17 Washington, D.C.

18 MR. GIUFFRA: Your counsel can object to
19 the form of questions and such objections will be
20 noted for the record. Counsel may also object on
21 grounds of privilege or relevance. We will either
22 proceed with the deposition or we may ask the

1 Committee chairman, Senator D'Amato, to rule on the
2 objections. And the procedure for ruling on
3 objections is specified in the resolution, and I'll
4 make that available to your counsel, should that
5 become necessary.

6 You'll have an opportunity to review a
7 transcript of the deposition to ascertain whether it
8 correctly states what you say here today and you'll
9 be given an opportunity to make those corrections.

10 Do you have any other questions or anything
11 like that?

12 MR. WAITZKIN: Just as a mechanical matter,
13 how do we have an opportunity to review the
14 deposition, just to correct for typographical errors
15 or misspelled words?

16 MR. GIUFFRA: We haven't worked out the
17 exact procedure and this is a process that's about a
18 week and a half old and we'll come up with a way to
19 have that be done.

20 You'll also be given an opportunity to
21 review the transcript prior to public hearings, and
22 also, there will be a number of ways that that will

1 be done, both in a reading room here and also we'll
2 be providing copies to counsel at some point close to
3 the hearing. We ask that your testimony here today
4 be kept confidential and not be disclosed to the
5 press because we want to try to maintain the
6 integrity of the Committee's inquiry as best we can.

7 If you would swear the witness, please.

8 MR. WAITZKIN: Just one procedural matter.

9 Is it your practice to have an errata sheet prepared,
10 as would be done in a normal civil deposition, that
11 she would then prepare, and do you want her to sign
12 the transcript after she's had an opportunity to
13 review it? Is that the way you're proceeding or do
14 you have a different way of proceeding?

15 MR. GIUFFRA: We haven't formulated a plan
16 and, Lance, you can correct me.

17 MR. COLE: We haven't worked out the
18 specifics. I believe last year there were errata
19 sheets and the witnesses and counsel had the
20 opportunity to come here and review the transcripts
21 and make any notations they wish.

22 MR. GIUFFRA: We would follow normal

1 procedure in a civil deposition.

2 MR. WAITZKIN: Let us know how you want to
3 do it.

4 MR. GIUFFRA: And you would get an
5 opportunity to change spellings and things.

6 MR. WAITZKIN: Thank you.

7 MR. GIUFFRA: Anything else?

8 MR. WAITZKIN: That's it for me.

9 MR. GIUFFRA: Go ahead and swear the
10 witness.

11 Whereupon,

12 SYLVIA M. MATHEWS

13 was called as a witness and, having first been duly
14 sworn, was examined and testified as follows:

15 EXAMINATION

16 BY MR. GIUFFRA:

17 Q Ms. Mathews, if you would please state your
18 full name for the record.

19 A Sylvia Mary Mathews.

20 Q And the spelling of your last name?

21 A M-a-t-h-e-w-s, just one T.

22

1

2 Q And your present business address?

3 A Is 1500 Pennsylvania Avenue, Washington,
4 D.C.

5 Q And your present position -- I assume you
6 work at the Treasury Department?

7 A I do. I'm the chief of staff at the
8 Treasury Department.

9 Q That's a pretty good job. And when did you
10 become chief of staff?

11 A When Secretary Rubin became secretary on
12 the hearing date -- it was the day of the hearing.

13 Q I guess it would be --

14 A It was January 10 or 11, but I'm not
15 exactly sure of the date.

16 Q Of '95?

17 A Right.

18 MR. WAITZKIN: You need to keep your voice
19 up so she can write everything down. He can hear
20 you, but nobody else can.

21 THE WITNESS: Okay. I'm sorry.

22 BY MR. GIUFFRA:

10

1 Q And you've been chief of staff since
2 January of '95?

3 A Yes.

4 Q Your responsibilities as chief of staff
5 involve?

6 A Preparing the secretary on a day-to-day
7 basis and helping manage the Office of the Secretary.

8 Q And how many employees report to you?

9 A Directly, five.

10 Q Prior to becoming chief of staff to the
11 secretary of the Treasury, what was your position?

12 A I was the special assistant to the
13 assistant to the President for economic policy.

14 Q And who was the assistant to the President
15 for Economic Policy?

16 A Robert Rubin.

17 Q I thought he was the assistant to the
18 President for the National Economic Council or
19 something or was head of the National Economic
20 Council?

21 A The actual chairman of the National
22 Economic Council is the President, so he was the head

1 and his official title was assistant.

2 Q And did you begin work with Mr. Rubin in
3 January of '93?

4 A January 20, 1993.

5 Q What was your position prior to becoming
6 special assistant to Mr. Rubin?

7 A I was on the Clinton/Gore campaign in
8 Little Rock, Arkansas.

9 Q And what was your position on the campaign?

10 A I was deputy director of economic policy.

11 Q And when did you become deputy director of
12 economic policy?

13 A At the end of July of 1992.

14 Q And prior to becoming deputy director of
15 economic policy, what was your position?

16 A I was an associate at a management
17 consulting firm in New York, McKenzie & Company.

18 Q I know it very well. And how long had you
19 been at McKenzie?

20 A Since 1990.

21 Q Where did you go to business school?

22 A I didn't. It was what's called a

1 nontraditional -- I didn't go to business school.

2 Q I guessed wrong. Before arriving at
3 McKenzie, where were you?

4 A I was studying in England.

5 Q And were you --

6 A I was at Oxford.

7 Q Were you a Rhodes or Marshall scholar?

8 A I was a Rhodes.

9 Q Guessed one correctly. I guess to become
10 the chief of staff at Treasury, you have to be a
11 Rhodes scholar.

12 MR. WAITZKIN: I don't think that was a
13 question, so I'm not sure you have to answer it.

14 MR. GIUFFRA: Just a comment.

15 BY MR. GIUFFRA:

16 Q And how long were you a Rhodes scholar?

17 A I was in England for three years, from 1987
18 to 1990.

19 MR. WAITZKIN: Keep your voice up.

20 BY MR. GIUFFRA:

21 Q And your educational background?

22 A Before that, I was at Harvard College, and

1 before that I went to Hinton High School in Hinton,
2 West Virginia.

3 Q You're class of '87 Harvard?

4 A Class of '83 in Hinton High.

5 Q I don't usually go back that far.

6 A West Virginia is important to me.

7 Q Very good Senator. Are you aware of the
8 Committee's document request dated June 2, 1995,
9 which would be sent from Chairman D'Amato and Senator
10 Sarbanes to Abner Mikva? This document is, to
11 briefly summarize -- it calls for documents related
12 to, among other subjects, the handling of documents
13 in Mr. Foster's office at the time of his death.

14 MR. WAITZKIN: Mr. Giuffra, perhaps I can
15 help you here. Apparently, following the
16 correspondence that you had with Ms. Sherbourne and
17 her office, I was advised that there was a request
18 for Ms. Mathews's deposition and we handled some
19 logistics with respect to scheduling. We then
20 received, I think it was a copy of a letter sent to
21 you which appended certain documents, which appears
22 to be responsive to this letter. We were not copied

14

1 on -- I was not -- I don't believe Ms. Mathews was
2 copied on the letter that you put before us.

3 BY MR. GIUFFRA:

4 Q Ms. Mathews, what I'm trying to ascertain
5 is whether all notes, reports that you might have
6 prepared relating to the subject matter, whether they
7 have been turned over to officials at the White
8 House?

9 A Yes, they have, and they were the two
10 attached sheets to something -- the note that was
11 sent.

12 Q We'll get to them, but all the -- insofar
13 as you know, all documents that you prepared relating
14 to the subject matter have been turned over to the
15 White House counsel's office?

16 A Yes.

17 MR. GIUFFRA: Off the record.

18 (Discussion off the record.)

19 BY MR. GIUFFRA:

20 Q Did you speak to anyone prior to this
21 deposition?

22 A In preparing for the deposition I spoke

1 with my counsel.

2 Q Anyone other than your counsel?

3 A People I had to tell that I would be away
4 from work.

5 Q Did you have any substantive discussions
6 about the deposition with anyone other than your
7 counsel?

8 A No.

9 Q I'll briefly cover this. On July 20, 1993,
10 you were special assistant to Mr. Rubin at the White
11 House?

12 A That's correct.

13 Q Where was your office?

14 A I actually didn't have an office. I had a
15 space. It's in the west wing on the second floor and
16 my desk was right outside at that time -- not
17 Secretary Rubin but Bob Rubin's office, so it's on
18 the second floor in the back.

19 Q My understanding of the layout is you
20 were -- Mr. Rubin's office was on the part of the
21 west wing closest to 15th Street or closest to the
22 White House?

1 A Closest to 15th Street, yes, so when we
2 look out -- if you could look out, you would see --

3 Q You would look on to the White House?

4 A You would see the White House, yes.

5 Q So that the White House counsel's office
6 was sort of down the corridor and closer to the Old
7 Executive Office Building?

8 A That's correct.

9 Q You were perpendicular in some respects?

10 A You would come down a hall and then turn,
11 and I would be back there, and the counsel's suite is
12 over here. I'm sorry, that's not helpful.

13 Q Let the record reflect that the witness --
14 it's sort of an L shape, is that the way to describe
15 it?

16 A That's correct.

17 Q And the counsel was at the top of the L and
18 your office was down towards the bottom of the L?

19 A Yes.

20 Q What were your normal hours, say, in the
21 time period surrounding July 20, 1993?

22 A Usually from around 8:00 a.m. to around

1 9:30, 10:00 p.m.

2 Q Government gets good value from special
3 assistants for the White House on an hourly basis.
4 I'd like to direct your attention to July 20. Now,
5 do you recall that was the day that Mr. Foster died?

6 A Yes.

7 Q Did you know Mr. Foster?

8 A I knew who Vince Foster was and would pass
9 him in the halls.

10 Q But he was not someone you had regular
11 dealings with?

12 A No. I'm not certain if he knew my name.
13 He may have.

14 Q Did you have regular dealings with anyone
15 in the counsel's office?

16 A Yes, I did.

17 Q Who would that have been?

18 A I worked with Beth Nolan, Cheryl Mills and
19 Steve Neuwirth at the time that I was at the White
20 House.

21 MR. WAITZKIN: Keep your voice up.

22 THE WITNESS: Sorry.

1 MR. GIUFFRA: Off the record.

2 (Discussion off the record.)

3 BY MR. GIUFFRA:

4 Q Did you work with Mr. Nussbaum at all?

5 A No.

6 Q You just knew who he was?

7 A Yes, I knew who he was.

8 Q Similar type relationship to the
9 relationship you had with Mr. Foster?

10 A That's correct.

11 Q Did you ever have any occasion to call
12 Mr. Foster, that you can recall?

13 A None that I can recall.

14 Q If you could just state for the record what
15 you recall about the night of July 20th when
16 Mr. Foster died -- where were you on that evening,
17 first of all?

18 A I was at the White House, and I was over in
19 the residence, the main part of the White House, the
20 President's residence on the bottom floor.

21 Q What do you recall?

22 A I was there because the President was going

1 to appear on Larry King, and I prepared some of the
2 talking points and was there to back up the person
3 who was briefing him.

4 Q Was he appearing on Larry King in the White
5 House?

6 A Yes.

7 Q What room was he in at that point?

8 A I don't know. The briefing was done in a
9 separate room.

10 Q So you attended a briefing with the White
11 House?

12 A That's correct.

13 Q Who was the other person who was with you
14 at the briefing?

15 A There was a group of people in the room,
16 but I went with Gene Sperling, who was the deputy
17 assistant.

18 Q He was the number two person in Mr. Rubin's
19 office?

20 A That's correct.

21 Q About how many people were in this briefing
22 with the President?

20

1 A I don't remember exactly how many senior
2 advisor type people.

3 Q And this would have been at about what
4 time?

5 A I apologize, but I don't know exactly what
6 time Larry King starts.

7 Q About 9:00.

8 A Okay, working back from that -- I don't
9 remember the exact time -- between 8:00 and 9:00
10 would be correct.

11 Q Is that a live show, Larry King, as far as
12 you know?

13 A As far as I know it was live.

14 Q Did there come a time during the course of
15 this preparation session that you learned that
16 Mr. Foster had died?

17 A No.

18 Q So you were in a room in the residence
19 preparing the President to appear on Larry King and
20 what did you do next?

21 A I went and sat in a room in the residence
22 and watched the TV show.

1 Q And what happened next?

2 A I don't remember exactly at what point
3 during the show, but people were going in and out of
4 the room and something seemed to be up.

5 Q Something out of the ordinary?

6 A Yes.

7 Q Do you recall who was coming in and out of
8 the room?

9 A No. I was in a room of more junior people.

10 Q Was this in the second floor of the
11 residence?

12 A No, it's on the first floor.

13 Q And the senior staff were in a different
14 room -- they were in a room watching the show being
15 taped?

16 A I don't remember where they all were.

17 Q Was Larry King actually at the White House?

18 A Yes, yes.

19 Q Did someone come in and say Vince Foster
20 died?

21 A I have no specific recollection of ever
22 being told that fact. I gleaned it, I think, over a

1 period of time when I stepped out of the room.

2 Q Do you have a general recollection of the
3 timing?

4 A People were talking. I understood that
5 Vince had been shot by conversations I was sort of
6 hearing, but more than that, I don't remember at what
7 point I had understood there had been a suicide.

8 Q Did you hear anyone giving any directions?

9 A No.

10 Q Do you recall anything else about that
11 period?

12 A At that point, I decided to go and answer
13 phones in the office of the chief of staff, which
14 was, at that point, empty of secretaries.

15 Q Did anyone ask you to do that?

16 A No.

17 Q Just basically because it was late at
18 night, there weren't that many people around and you
19 wanted to be helpful?

20 A Yes, and I was the youngest --

21 Q Relatively junior person?

22 A Yes.

1 Q And the chief of staff's office, that was
2 Mr. McLarty?

3 A Mr. McLarty.

4 Q And he was on the first floor of the west
5 wing of the White House?

6 A That's correct.

7 Q And his office was immediately below the
8 counsel's suite?

9 A I guess it's immediately below.

10 Q In the same corner?

11 A In the same corner. I don't know exactly
12 the relationship of the two with the Vice President's
13 office, but yes, the same corner where it's directly
14 above. I'm not certain.

15 Q It's your recollection that no one asked
16 you to go to the chief of staff's office. You just
17 went there because there seemed to be a lot of
18 activity?

19 A That's correct. I wanted to go answer the
20 phones.

21 Q You just assumed there would be a lot of
22 phone calls because Mr. Foster had died?

1 A Yes.

2 Q And he was a senior official at the White
3 House?

4 A Yes.

5 Q Do you recall anything else that anyone may
6 have said back in the residence?

7 A No, nothing at all.

8 Q Do you recall the approximate time at which
9 you arrived at the chief of staff's office?

10 A I apologize. It's been two years in time.

11 Q I fully appreciate that. Just give your
12 best --

13 A I can do sequence of events. I arrived --

14 Q Did the President complete the taping of
15 Larry King?

16 A I don't know. I recall that there was some
17 discussion of an extension and whether that happened
18 or not, I don't know.

19 Q That he would do it on another evening?

20 A No, that he would go for a longer period of
21 time, but I don't think that happened. I don't
22 remember.

- 1 Q He would go more than an hour?
- 2 A Uh-huh.
- 3 Q Do you recall anyone advising the President
- 4 of Mr. Foster's death?
- 5 A No.
- 6 Q Was anyone from the White House counsel's
- 7 office with you -- in the room with you in the
- 8 residence?
- 9 A I have no recollection of anyone.
- 10 Q When you arrived at the chief of staff's
- 11 office, what happened next?
- 12 A I sat for a while.
- 13 Q Was there anyone there with you?
- 14 A No.
- 15 Q Was there anyone in the chief of staff's
- 16 office?
- 17 A No. I was in the secretarial suite.
- 18 Q Which is the outer suite?
- 19 A That's right.
- 20 Q And then you go through the secretarial
- 21 suite to get to the chief of staff's office?
- 22 A Right to Mack McLarty's office and left to

- 1 Roy Neel's office.
- 2 Q And Neel was the deputy chief of staff?
- 3 A Correct.
- 4 Q Mr. McLarty was not there at that point?
- 5 A No, he wasn't.
- 6 Q Do you recall anyone calling?
- 7 A I recall in an early period several phone
- 8 calls. I don't remember how many. I do remember at
- 9 one point walking back over to deliver a message
- 10 after one phone call.
- 11 Q Let me ask, do you remember who called?
- 12 A I apologize, I don't. It was someone
- 13 important enough that I felt I should walk over
- 14 instead of transferring.
- 15 Q Do you recall if Mr. Nussbaum called?
- 16 A I have no recollection of a call from
- 17 Mr. Nussbaum.
- 18 Q How about Mr. Watkins, David Watkins?
- 19 A No recollection of a call from him. The
- 20 calls that I walked over had to do with Park Police,
- 21 hospital, law enforcement, hospital kind of thing.
- 22 Q Did you know who William Kennedy was?

1 A I don't know if I knew who he was then. I
2 know who he is now.

3 Q Do you remember if he called?

4 A I have no recollection of a call from him.

5 Q Mr. Livingstone, does that name ring a bell
6 at all?

7 A I know who Craig is, and again, I don't
8 know if I -- I now know who Craig Livingstone is. I
9 don't think I knew him at that point, but I don't
10 recall a phone call from him.

11 Q Do you recall if the phone call was from
12 the Park Police directly, or whether it was from a
13 White House official?

14 A I don't specifically remember if it was the
15 Park Police or the hospital. It was someone of
16 import, though, or what I sensed, so I don't
17 remember.

18 Q Do you recall if it could have been -- do
19 you know who Ron Noble is?

20 A I didn't at that time. I do now.

21 Q Was it -- did Ron Noble possibly call?

22 A I have no recollection of Ron calling, Ron

1 Noble.

2 Q You got the phone call. Do you remember
3 what the phone call was about?

4 A No, and there were --

5 Q A number of phone calls?

6 A Yes, and I don't recall specifically what
7 they were about.

8 Q Generally?

9 A No. I was sort of just delivering --
10 getting people to get on phones.

11 Q But they had something to do with the
12 hospital -- I'm just trying to get a general sense.

13 A When I walked over to tell somebody that
14 there was a phone call -- this is before people had
15 come back -- they were about something to do with
16 either the hospital or the Park Police, and I don't
17 recall which.

18 Q Where did you go?

19 A Back to the residence. I walked from the
20 chief of staff's office back over to the residence
21 where people were gathered.

22 Q And did you speak to someone at the

1 residence?

2 A I do not remember specifically who. There
3 were a group of senior people, and I sort of passed
4 on --

5 Q Mr. McLarty?

6 A I don't remember if Mack McLarty was
7 standing there or which of the senior staffers that I
8 told there's a call and someone needs to call.

9 Q Would Mr. Stephanopoulos perhaps have been
10 there?

11 A I don't remember the group of people that
12 were there.

13 Q What happened next?

14 A I went back and, after a bit of time
15 passed, I went and got some work because I was
16 sitting, so I went upstairs to get work.

17 Q Did you take the elevator or the staircase?

18 A I took the staircase.

19 Q In order to go from the first floor of the
20 west wing -- and I should probably just state I'm
21 going to go through this in what may seem like
22 excruciating detail, but that's the drill -- you took

30

1 the staircase upstairs to the second floor?

2 A Yes, I did.

3 Q Did you pass the counsel's office at that
4 point?

5 A Yes, I did.

6 Q Would an estimate of the time be about
7 10:15, 10:30 the President completed the show?

8 A I would think it would be before 10:45.
9 From the time that I arrived -- it was within -- I
10 probably went upstairs within a half an hour of my
11 arrival at the west wing the first time.

12 Q Let me try to go through this timing
13 sequence just to have a complete record. The show
14 would have ended, presumably, an hour after it
15 started, which would have been about 10:00. Did you
16 stay until the end of the show?

17 A I don't recall if it was completely over.
18 I watched the majority. Don't remember if it was
19 completely over.

20 Q Do you recall about how long you were at
21 the chief of staff's office the first time?

22 A No.

1 Q But to walk back and forth would have taken
2 five minutes?

3 A Approximately five minutes.

4 Q And then you went back again and sat at the
5 secretarial station in the chief of staff's office
6 for some period of time?

7 A Uh-huh.

8 Q 10, 15 minutes?

9 A I think that probably between the time of
10 say 10:15 and 10:45 would be -- between 10:00 and
11 10:45 would be the period and probably -- depending
12 on if I saw the end of the show or not whether or not
13 it's closer before 10:15 or not, that sort of time
14 frame would have been when I went up to get my
15 papers.

16 Q Between 10:00 and 10:45 or between 10:15
17 and 10:45?

18 A Because I can't remember when I left, I
19 can't -- if I knew when I left, I would know because
20 deriving back we can do that, but I'm not certain of
21 exactly when I left and whether I watched the end of
22 the show.

1 Q When you walked up the stairs, did you see
2 anyone in the staircase?

3 A No, I didn't.

4 Q You walked by the counsel's office?

5 A The suite, yes.

6 Q Was the door shut or open?

7 A The door to the suite was open.

8 Q Were the lights on?

9 A I don't remember.

10 Q Was anyone inside the office?

11 A I did not see anyone inside as I walked
12 past, and I was looking into the suite.

13 Q Into the secretarial part of the suite?

14 A That's correct.

15 Q Did you hear any noise coming out of the
16 suite?

17 A No.

18 Q Any phone calls coming out of the suite?

19 A None. It was quiet.

20 Q But the door was definitely open?

21 A Yes.

22 Q Were any other doors open -- then you

1 walked down the hall past the First Lady's office?

2 A Maggie Williams's -- oh, past the First
3 Lady's, past Maggie Williams's.

4 Q Were either of those doors open?

5 A Not that I recall.

6 Q Then you went back to where your office
7 was?

8 A Yes.

9 Q Did you make any phone calls?

10 A No.

11 Q And you gathered some work?

12 A Yes.

13 Q About how long were you at your desk?

14 A Under five minutes.

15 Q And then you walked back down the hall?

16 A Retraced my steps.

17 Q And you walked by the counsel's office
18 again?

19 A Yes.

20 Q Did you notice if the door was still open?

21 A I didn't notice specifically.

22 Q As someone who used to work late at night

1 at the west wing, was it a regular or did you
2 occasionally see cleaning people come through the
3 west wing?

4 A Yes, I did.

5 Q Was that a fairly regular occurrence?

6 A To see cleaning people in the west wing?

7 Q At night.

8 A At night, yes.

9 Q And what was the typical procedure? Were
10 they accompanied by anyone that you can recall?

11 A I don't --

12 Q Do you recall a Secret Service officer
13 being with the cleaning people?

14 A I don't recall that.

15 Q Do you know about what time they would come
16 through the second floor of the west wing, the
17 cleaning people?

18 A No. After --

19 Q After 8:00?

20 A After 8:00.

21 Q About what time did activity in the second
22 floor of the west wing in this approximate July

1 period sort of slow down during the course of the
2 day?

3 A It would be a little hard for me to tell
4 because I'm --

5 Q In the back?

6 A In the back, and I sort of sat at my desk
7 and did my work, so I don't know.

8 Q But in this particular evening, there
9 weren't many people there, or there was no one there
10 as far as you know. Was anyone there?

11 A At the time we're discussing, when I went
12 upstairs and walked back there, I didn't see anyone
13 in the piece I was in.

14 Q And you didn't see any cleaning people?

15 A No.

16 Q No Secret Service agents?

17 A No.

18 Q Then you came back down the staircase
19 again?

20 A Yes.

21 Q And you went to the chief of staff's
22 office?

1 A Yes, to the secretarial area.

2 Q Was anyone there at that point?

3 A No.

4 Q Were there more phone calls?

5 A Yes.

6 Q Any recollection as to who might have
7 called?

8 A I apologize. No.

9 Q In terms of giving an answer to that type
10 of a question, you don't remember the specific
11 person, but do you remember if it was a White House
12 person as opposed to someone from the outside?

13 A I don't recall who was calling.

14 Q Do you remember the number of phone calls,
15 regular phone calls? Were the phones ringing off the
16 hook? Was it one phone call every five minutes?

17 A The phones were not ringing off the hook.
18 I don't remember the dispersement, enough that I
19 thought it would be bad if nobody was there.

20 Q Do you recall anything else about this
21 period, up to you arriving back --

22 A No.

1 Q So you sat in one of the secretarial
2 positions in the chief of staff's office and answered
3 the phones and did your work for a while?

4 A That's correct.

5 Q Eventually, did people arrive in the
6 office?

7 A Yes.

8 Q Do you remember who arrived?

9 A People came in and out of that area
10 throughout the evening. Bill Burton did come.

11 Q And Mr. Burton, what was his position?

12 A At that time, he was the chief of staff to
13 the chief of staff. I'm not certain that that's his
14 exact title.

15 Q I think there is actually a position called
16 chief -- I think deputy assistant to the chief of
17 staff of the chief of staff to the President. A
18 friend of mine I clerked with had that job. Do you
19 recall whether Dee Dee Myers might have been there?

20 A I saw her at some point in the evening.

21 Q She might have been over in the residence?

22 A I don't recall who all was there, but I

1 know I did see her at some point in the evening.

2 Q Mr. Gergen, David Gergen?

3 A I don't recall seeing David.

4 Q Do you recall seeing Mr. McLarty?

5 A I don't recall seeing him in the office.

6 Q You remember Mr. Burton, though?

7 A That's correct.

8 Q Clearly remember that he was there?

9 A Yes.

10 Q Do you recall if Mr. Livingstone was there?

11 A I do not recall seeing him.

12 Q Mr. Kennedy, Bill Kennedy?

13 A No, I do not recall seeing him.

14 Q Do you recall seeing Maggie Williams?

15 A No.

16 Q Do you recall seeing Patsy Thomasson?

17 A No.

18 Q Do you recall any of the conversations that
19 were occurring in the office at the time you were
20 sitting at the secretarial station?

21 A No. I was outside of my office.

22 Q People were going into Mack McLarty's

1 office?

2 A People were going through.

3 Q Were you the only person sitting in the
4 outer office?

5 A Yes, in the sense that I think some people
6 may have come in and sat down at different times, but
7 yes.

8 Q Do you recall whether anyone was using a
9 mobile phone?

10 A I have no recollection of anyone using a
11 mobile phone in the office.

12 Q Do you recall about how many people would
13 have come into the office roughly? An estimate is
14 fine, five, 10 people?

15 A An estimate of under 20, probably not that
16 high.

17 Q 10 to 15?

18 A I don't recall because there was so much
19 movement and confusion.

20 Q How would you describe the atmosphere at
21 this point? This would be about 11:00-ish.

22 A Serious, concern in the sense that there

40

1 were people there who just had someone they knew --
2 had died.

3 Q Had died?

4 A Yes.

5 Q Was anyone crying?

6 A I don't recall.

7 Q Do you recall whether people were going
8 into both Mr. Neel's office and Mr. McLarty's office
9 or just into Mr. McLarty's office?

10 A I don't recall.

11 Q Do you recall if the lights were on in
12 Mr. Neel's office?

13 A No.

14 Q Do you remember anything else about this
15 particular period?

16 A Not about this period.

17 Q Do you recall whether anyone called from
18 Mr. Foster's residence?

19 A I don't recall.

20 Q Mr. Watkins?

21 A I don't remember any specifics -- I don't
22 remember specifically who called.

1 Q You don't recall Mr. Web Hubbell calling?

2 A No, I don't recall Web Hubbell calling.

3 Q Do you recall anyone who was in the office
4 calling the Park Police?

5 A Not calling. I recall an incoming call
6 from the Park Police.

7 Q Do you recall about the time of the call?

8 A I'm sorry.

9 Q Had you been there for a while?

10 A A while, but I don't have a sense --

11 Q 10, 15 minutes?

12 A I don't have -- after the time -- I don't
13 have a sense of the rest of the evening. I have a
14 sense of the sequence, but --

15 Q Why don't you go through the sequence as
16 best you recall.

17 A The sequence of --

18 Q Events.

19 A That call, I would call because I stood in
20 the office in Mack McLarty's office, as I had told
21 Bill that there was a call, Bill Burton a call from
22 the Park Police, so I went into the office and

1 overheard a conversation with Bill Burton implying
2 that the Park Police or at least my understanding --
3 I was not on the call -- but my understanding was a
4 note had not been found.

5 Q A suicide note from Mr. Foster?

6 A That's correct.

7 Q And the assumption that everyone was
8 operating under was that this was a suicide?

9 A That's correct.

10 Q Did you have any discussion of a possible
11 homicide or murder?

12 A None that I --

13 Q So the fact that there would be a note
14 would be a relevant thing?

15 A Yes.

16 Q And were people talking about was there a
17 note?

18 A I don't remember whether it was asked or
19 how it came up, but from my end of what I heard, I
20 understood that there was not a note found by the
21 Park Police.

22 Q What else do you remember about that

1 conversation?

2 A That's all I remember of the conversation.

3 Q Do you recall any discussion in which

4 Mr. Watkins said anything about sealing Mr. Foster's
5 office, having the door shut?

6 MR. WAITZKIN: Do you mean Mr. Watkins?

7 BY MR. GIUFFRA:

8 Q I'm sorry, Mr. Foster's office?

9 MR. COLE: Whether Mr. Burton said anything
10 about sealing Mr. Foster's office.

11 MR. WAITZKIN: Why don't you put the
12 question again.

13 MR. GIUFFRA: I think the way Lance asked
14 it is actually the best way to ask the question.

15 MR. COLE: Thank you, Bob.

16 BY MR. GIUFFRA:

17 Q Did Mr. Burton say anything about sealing
18 Mr. Foster's office?

19 A Yes.

20 Q Did he say it while he was speaking on the
21 telephone to the Park Police?

22 A I don't recall if he was on the phone when

1 he said it. I remember it being said.

2 Q And what do you recall him saying exactly?

3 A This is not word for word, but Bernie
4 Nussbaum should lock the office.

5 Q Did Mr. Burton say that the Park Police had
6 asked that the office be locked?

7 A I don't recall him mentioning that.

8 Q But you recall Mr. Burton telling
9 Mr. Nussbaum that he should lock the office?

10 A I don't recall him giving the specific
11 instruction to Mr. Nussbaum. I recall it being said.

12 Q Do you recall who else might have been
13 present when that statement was made?

14 A I think that Dee Dee Myers was present.

15 Q Do you recall whether anyone else was
16 present?

17 A I don't recall. However, this -- I don't
18 remember, but --

19 Q Do you know whether at any point during the
20 evening Mr. McLarty asked that Mr. Foster's office be
21 sealed or locked?

22 A I don't have any knowledge.

1 Q Do you recall anyone saying that he had
2 asked that the office be sealed or locked?

3 A I don't know.

4 Q So you remember Mr. Burton saying that
5 Bernie should lock the office?

6 A Bernie Nussbaum should lock it.

7 Q Do you remember if Mr. Nussbaum was
8 present?

9 A No, I don't specifically remember if he was
10 present.

11 Q And what else do you remember about this
12 particular conversation or colloquy?

13 A At that point, I raised the question of the
14 trash. I'm sorry -- I raised this after the phone
15 had been hung up, so this is all at the same time.

16 Q So perhaps what happened was Burton was on
17 the phone, he's talking, he said somebody should go
18 lock the office, he puts the phone down and you raise
19 this question about the trash?

20 A I don't recall at what point the locking of
21 the door was raised, within that general
22 conversation. I don't recall if it was on the phone

1 or off the phone.

2 Q Do you recall anyone else saying anything
3 relating to either the trash or sealing the office at
4 that point?

5 A No, not about sealing the office. The
6 trash I raised in the form of a question.

7 Q Who did you raise that issue with?

8 A With the people standing in the room of
9 which I know one was Bill Burton and the other was
10 Dee Dee Myers. There may have been others.

11 Q And what happened next?

12 A I said -- these may not be the specific
13 words -- but should we get the trash.

14 Q And your concern was that the trash had
15 already been collected?

16 A Yes, my concern was that the trash would be
17 leaving the building.

18 Q And was that concern based on your
19 familiarity with the cleaning procedures of the west
20 wing?

21 A Yes, it was.

22 MR. WAITZKIN: Let him finish his question

1 completely and then answer.

2 BY MR. GIUFFRA:

3 Q And was it your understanding that by 11:00
4 at night, the trash would have been typically been
5 picked up?

6 A That's correct.

7 Q What do you know about the trash collection
8 procedures the White House employed on the second
9 floor? Did people typically have like burn bags and
10 then trash bags, regular trash bags?

11 A People have both. Not all people, but some
12 people have both.

13 Q People above a certain level of
14 responsibility had both types?

15 A I actually wouldn't make it a distinction
16 on level. Some very senior people didn't have burn
17 bags because they depended on their junior staff to
18 make sure that items were handled in an appropriate
19 fashion.

20 Q And was the procedure that if you had
21 sensitive documentation, it would go into the burn
22 bag?

48

1 A That's correct.

2 Q Do you recall what happened to the burn
3 bags? Were they collected by armed guards or by
4 cleaning people?

5 A Commingles, collected in the form of
6 commingling by the uniformed division of the
7 Secret Service.

8 Q So would the uniformed division collect
9 each of the burn bags, or would they throw them all
10 into a giant burn bag?

11 A The second. Throw them into a giant burn
12 bag.

13 Q And leave the original paper burn bag where
14 it was?

15 A That's correct.

16 Q Do you recall how they would collect it?
17 Was it something they pushed down the hall?

18 A Generally, it was a large bag, just a
19 larger brown bag.

20 Q And so the smaller bags would stay where
21 they were for several days, or they had a longer
22 shelf life?

1 A Yes, emptied, but stay in place.
2 Q Was there a uniformed officer who would
3 collect the trash?
4 A I don't --
5 Q Do you recall an officer by the name of
6 Henry O'Neill?
7 A I'm sorry, I don't.
8 Q That means nothing. Do you recall the
9 names of the people who cleaned, the cleaning ladies?
10 A No, I didn't know their names.
11 Q Do you remember how many there were?
12 A Two, maybe more.
13 Q It was the same two every night or at least
14 on most nights?
15 A On most nights.
16 Q Do you recall about how old they were?
17 A No.
18 Q Do you remember anything about their
19 description that might assist us?
20 A I think one was a bit heavy.
21 Q Anything else, race or anything?
22 A Yes. They were African-American.

1 Q Do you remember anything about the
2 Secret Service agent who -- uniformed officer who
3 would pick up the trash?
4 MR. COLE: By "trash," you mean the burn
5 bags?
6 MR. GIUFFRA: The burn bag.
7 THE WITNESS: No. If you're asking his
8 race --
9 BY MR. GIUFFRA:
10 Q Whatever. Anything that would be --
11 A I think it was not always the same person
12 every time.
13 Q A different person would do it?
14 A It was different over periods of time. I
15 don't know how long one person did it, but it was not
16 one person for the entire time I was at the west
17 wing.
18 Q Just to digress for a second, but was Steve
19 Neuwirth at the White House on that particular
20 evening that you can recall in the west wing? Do you
21 recall seeing him?
22 A I have no recollection of seeing Steve

1 Neuwirth.

2 Q Cliff Sloan?

3 A No, I don't recall seeing Cliff.

4 Q Do you recall seeing anyone else from the
5 White House counsel's office?

6 A I don't remember seeing anyone.

7 Q After you made --

8 A Besides Bernie Nussbaum.

9 Q You did see Bernie Nussbaum?

10 A Yes.

11 Q He was certainly there?

12 A Yes.

13 Q Do you recall about what time you first saw
14 Bernie Nussbaum that night? Would this have been a
15 little bit later in the evening or earlier in the
16 evening?

17 A Do sequence. It was after -- after I had
18 come back from gathering my papers from upstairs and
19 come back down.

20 Q So he was in Mr. McLarty's office?

21 A At one point in or out. I don't remember
22 specifically.

1 Q Do you remember anything about how he was
2 behaving? Did he seem agitated? Did he seem calm?

3 A He did not seem agitated.

4 Q Professional, businesslike?

5 A Professional, yet concerned, the concern
6 one would have if your colleague had just died.

7 Q Do you recall anything that Mr. Nussbaum
8 may have said that evening?

9 A Yes, as it relates --

10 Q What do you recall that he said?

11 A I don't recall what he specifically said,
12 but we had a discussion about the burn bag.

13 Q You had a discussion with Mr. Nussbaum?

14 A Yes.

15 Q What do you recall about that discussion?

16 A That the question of this commingled -- the
17 question of what should be done with the commingled
18 burn bag.

19 Q Do you remember what he said?

20 A I do not remember specifically what he
21 said, but remember that it was the instructions -- he
22 said there was not a burn bag in Vincent Foster's

1 office and that the only burn bag in the counsel's
2 office was in the outer suites, the secretarial suite
3 because of the sensitivity of the documents we should
4 get rid of.

5 Q What did you take him to mean because of
6 the sensitivity of the documents we should get rid of
7 it?

8 A It's commingled information that people
9 have put in there that people even who have a
10 clearance you're not supposed to see unless it's on a
11 need-to-know basis. If you're cleared for top secret
12 but you have no need to do what our Japan
13 negotiations that are going on right now, if I put
14 that document in there, there would be a concern
15 about perhaps you reading it, for example.

16 Q So Mr. Nussbaum was afraid that someone
17 would look in the larger burn bag and see documents
18 that they shouldn't see, did not have a need to know?

19 A I don't know that I can say --

20 Q What was your impression?

21 A My impression was that there would not be
22 anything relevant because the burn bag was not in

1 Vince Foster's office and secondly, we should not be
2 going through the sensitive documents of the entire
3 west wing.

4 Q Do you know if there was one burn bag for
5 the entire west wing?

6 A I don't know.

7 Q At least for the second floor, there was
8 one, there was a burn bag for some portion of the
9 second floor?

10 A I don't know how much it takes.

11 Q Let's go back slightly in time. After you
12 expressed a concern about the burn bags, did you do
13 something? Did you get a burn bag or did you try to
14 contact one of the cleaning people? What was your
15 first sort of step?

16 A I'm sorry, is this after I talked to
17 Nussbaum or --

18 Q No, let's go back in time. Bill Burton is
19 on the phone with, you believe, the Park Police.
20 That was your understanding. And there's a
21 discussion of locking Foster's office?

22 A That's correct.

1 Q Do you recall at that point whether Bernie
2 was in the room?

3 A I don't recall.

4 Q Do you recall whether anyone took any steps
5 to lock Foster's office at that point?

6 A I don't recall specifically, but I recall
7 having the impression that the door was being locked
8 for whatever reason.

9 Q Someone was going to take steps to lock the
10 door?

11 A That's correct.

12 Q Do you recall that you said you walked by
13 the office and the door was open?

14 A I don't recall having said that.

15 Q You don't recall reporting to anyone what
16 you had observed when you went up to get your papers?

17 A No.

18 Q Then you said we need to be concerned about
19 the burn bag?

20 A No. I said the trash.

21 Q And then what did you do? What happened
22 next?

1 A I said should we get the trash or that may
2 not be the specific words, but the gist of the
3 question, and there was agreement that I should go
4 get the trash.

5 Q You don't recall who would have been part
6 of that discussion?

7 A In the room, I remember that Bill Burton
8 was in the room and Dee Dee Myers and I'm not sure if
9 there were others.

10 Q And then what happened? Did you go get the
11 trash or did someone else go get the trash? Did you
12 make a phone call?

13 A I can't remember if I went upstairs and saw
14 the trash at all -- that there were bags of trash
15 sitting or if I saw a cleaning lady. I think I may
16 have seen a cleaning lady and asked has the trash
17 been dumped and was told yes.

18 Q Your recollection would be that you left
19 the chief of staff's suite. Do you recall whether
20 you went back upstairs?

21 A The part that I recall is cleaning ladies
22 went with me to show me where the trash from the

1 counsel's office would be. How I got to that step, I
2 don't exactly remember whether I had gone up one more
3 time or I just spoke to the cleaning lady.

4 Q Any recollection of going up another time?

5 A When the cleaning ladies took me, they took
6 me upstairs to where there were three bags, large
7 garbage bags of small bags of trash on the second
8 floor.

9 Q Do you recall walking by Mr. Foster's
10 office at that point?

11 A I didn't go by because the trash bags were
12 sitting outside of the elevator in an area that would
13 be in front of the suite.

14 Q Do you recall going by, seeing that the
15 door of the suite was open?

16 A I can't recall whether it was open or not.

17 Q Any recollection at all? Lights being on?

18 A No.

19 Q Do you recall whether there was any other
20 people on the second floor at that point?

21 A At that point, I heard or saw no one in the
22 area that I was at other than the two cleaning ladies

1 that came with me.

2 Q Now, the second floor of the west wing is a
3 fairly narrow hallway and were these paper trash bags
4 or plastic trash bags?

5 A They were plastic trash bags, large garbage
6 size with smaller bags from people's trash cans in
7 them.

8 Q Were these smaller bags -- this was
9 ordinary trash?

10 A Yes, trash.

11 Q It was not burn bag trash?

12 A That's correct.

13 Q And were the smaller bags tied up and then
14 dumped into the larger bags or just basically
15 thrown? Tied up and dropped in?

16 A Yes, tied up.

17 Q Do you know whether that was the standard
18 procedure? Did you ever see someone tie up the bags
19 and drop them in?

20 A Yes.

21 (Pause.)

22 BY MR. GIUFFRA:

1 Q It was your understanding that the cleaning
2 staff at the west wing would take the plastic bags
3 out and tie them up and drop them into the larger
4 trash bags?

5 A Twist them, tie, twist, they were not
6 commingled.

7 Q This was something you noticed. It
8 probably stuck out in your mind as a procedure you
9 hadn't seen before? It seemed like a special
10 procedure?

11 A Yes, because sometimes in my own trash can,
12 in order to save themselves time, they would put
13 clean ones underneath so that they'd take out the
14 dirty one and have the clean one right there.

15 Q Just leave it right in there?

16 A Yes.

17 Q Do you recall what color these trash bags
18 were?

19 A The little ones were clear plastic.

20 Q And these would be in basically metal
21 containers, they would go into normal government
22 issued trash containers?

1 A Yes.

2 Q Do you recall if the cleaning women labeled
3 these clear plastic trash bags?

4 A I have no recollection of labeling.

5 Q Get off the elevator. There's the three
6 trash bags there?

7 A No, I went up the stairs.

8 Q I'm sorry. You went up the stairs, three
9 trash bags were fairly close to the staircase?

10 A Yes, the elevator and the staircase were
11 close.

12 Q Because the staircase and elevator are
13 right next to one another?

14 A That's correct.

15 Q And what do you recall next?

16 A I opened one of the large trash bags and
17 then started opening some of the little bags and very
18 quickly came upon what I thought was Vincent Foster's
19 trash.

20 Q Did the cleaning women -- were they both
21 standing there?

22 A Yes.

1 Q And did she say which trash bag they
2 thought -- which of the larger bags contained
3 Mr. Foster's garbage?

4 A I don't recall if they gave me direction,
5 that they said this is where it would be.

6 Q Why did you make the determination that it
7 was Foster's trash?

8 A The buck slips said Vincent Foster, the
9 stickers, the label things that are distributed en
10 masse.

11 Q Post-it stickers?

12 A Yes -- well, not yellow Post-its, but
13 adhesive labels, white adhesive labels.

14 Q That you put on envelopes?

15 A Yes, or the clips, the daily clips, a white
16 adhesive sticker which has the name of the
17 individual.

18 Q And again, you don't recall anyone being
19 present other than the two cleaning women?

20 A That's correct.

21 Q And you looked through a few of the small
22 bags and you finally came upon this bag, which you

1 finally determined it was Foster's bag. Did you keep
2 looking to see if there were more bags?

3 A No.

4 Q You just assumed there was just the one
5 bag?

6 A Yes.

7 Q Do you recall if there were credit card
8 receipts in the bag?

9 A Yes.

10 Q Do you recall anything else about the bag?
11 What was in the contents of the bag?

12 A There was a creamer in the bottom of the
13 bag. There were credit card slips. There was
14 something about a summer intern being moved from one
15 office to another, some type of law review article
16 maybe, and I don't remember the rest.

17 Q Nothing other than those stuck out in your
18 mind?

19 A That's right.

20 MR. WAITZKIN: If it will assist you, one
21 of the documents that was produced is an inventory
22 that she prepared.

1 MR. GIUFFRA: Yes, I'm aware of that.

2 BY MR. GIUFFRA:

3 Q There wasn't any kind of a torn-up note in
4 the clear plastic bag that you can recall?

5 A No.

6 Q That's something you're fairly certain of?

7 A Yes.

8 Q Eventually, you took this plastic bag
9 downstairs to the chief of staff's suite?

10 A That's correct.

11 Q And did you say anything to anyone when you
12 arrived in the chief of staff's suite?

13 A Should we go through it.

14 Q And do you recall who you said that to?

15 A No. The group of people standing --

16 Q Five, six, 10 people, whatever?

17 A Yes. I don't think --

18 Q Maybe four or five at that point?

19 A I don't remember how many.

20 Q More than two, but less than 10?

21 A Yes.

22 Q And what was the --

1 A The response was yes, you should go through
2 it.

3 Q So you went through the trash?

4 A That's correct.

5 Q And did you do anything?

6 A Yes.

7 Q You made out an inventory?

8 A Yes, and I threw away the creamer, which is
9 not part of the inventory and had stuff left, so it
10 was making a bit of a mess.

11 Q Did you -- did anyone else make an
12 inventory?

13 A No, not to my knowledge.

14 Q Did anyone else look through the trash?

15 A Not to my knowledge.

16 Q Did you show the inventory to someone?

17 A Yes. I don't know that I physically showed
18 the paper.

19 Q Did you read it off?

20 A But I reported in some form, either or
21 later written to the people around.

22 Q Do you recall if Mr. Nussbaum was present

1 at that point?

2 A I do not recall.

3 Q What did you then do after you made the
4 inventory? Did you seal up the plastic bag again?

5 A I put everything back in the bag and taped
6 the inventory to it.

7 Q And then what did you do with the plastic
8 bag?

9 A I put it in Roy Neel, the deputy chief of
10 staff at that time's office.

11 Q Did you lock it in a safe?

12 A No, I put it inside his office.

13 Q Inside the doorway?

14 A Inside the office.

15 Q Do you recall where in the office?

16 A I think it was on the right-hand side.

17 Q Under his desk?

18 A No.

19 Q Sort of out in the open on the right-hand
20 side as you walk in?

21 A Off to the side on the right-hand side.

22 Q So that would be closer to the window?

1 A Yes.

2 Q You came out of Neel's office. Do you
3 recall what happened next?

4 A No.

5 Q You mentioned Mr. Nussbaum, a conversation
6 with Mr. Nussbaum about the burn bag. Do you recall
7 about what time that was? Was that after you had
8 done the inventory?

9 A That was after the trash.

10 Q So you made the inventory, you put the
11 plastic trash bag in Neel's office, and what do you
12 recall happening next? I'm trying to get a sense of
13 the chronology.

14 A Then I sat for a bit, answered phones or
15 did whatever.

16 Q Do you recall any more about any of the
17 phone calls, incoming phone calls or outgoing phone
18 calls?

19 A No.

20 Q Do you recall anything more about the
21 conversation that was going on at the time?

22 A No.

1 Q Any further discussion of the need to seal
2 the office?

3 A No, not beyond what I mentioned earlier.

4 Q Do you know if Mr. Nussbaum said that he
5 would lock the office at any point?

6 A No. I only know that I felt that the
7 office had been locked.

8 Q So your testimony would be that Burton,
9 either on the telephone conversation with the Park
10 Police or just thereafter, said we need to lock the
11 office?

12 A Yes.

13 Q And it was your understanding that that had
14 been done?

15 A That's correct.

16 Q And you don't recall whether Mr. Nussbaum
17 said he would lock the office or not?

18 A That's correct.

19 Q But you had an understanding that someone
20 locked the office?

21 A That's correct.

22 Q So you were sitting around answering the

1 phones. Do you recall anything else that happened?

2 A The conversation that we spoke about with
3 the burn bag.

4 Q So you asked Mr. Nussbaum what about a burn
5 bag in Vince Foster's office?

6 A I actually at the time of asking him had
7 the burn bag.

8 Q Oh, you got the burn bag?

9 A Yes.

10 Q When did you get the burn bag?

11 A The period after the trash had been sitting
12 there a while. Then I asked should we get the burn
13 bag.

14 Q And who did you ask?

15 A Again, there were senior staff people in
16 the office most of the evening, so I mentioned the
17 burn bag.

18 Q Did anyone say go get the burn bag?

19 A Yes.

20 Q Do you recall who said go get the burn bag?

21 A I don't recall a specific instruction go
22 get the burn bag. I remember there being an

1 agreement that sounds like a reasonable idea for you
2 to go get it.

3 Q How did you implement the idea to go get
4 the burn bag? What did you do?

5 A I went upstairs.

6 Q Again, on the staircase?

7 A Uh-huh.

8 Q Did you see anyone on the staircase?

9 A No, I didn't.

10 Q Did you go by the counsel's office?

11 A I went upstairs and the door was locked --
12 the door was shut.

13 Q Do you have a rough ballpark estimate as to
14 approximate time, 11:30, 12:00-ish at this point?

15 A I apologize. It's been two years. The
16 sequence I remember. I just have no concept of time
17 that evening.

18 Q Would this have been like an hour and a
19 half after the President's show would have been
20 ended?

21 A I'm sorry, I would be guessing.

22 Q Did you then go into the counsel's suite of

1 offices?

2 A No. I walked up the stairs, saw that the
3 door was locked. Went back downstairs and went to --

4 Q Just one question. When you went up and
5 saw the door was shut, could you see if there was a
6 light on in the office?

7 A I have no recollection.

8 Q Did you hear any voices in the office?

9 A I don't recall hearing any.

10 Q Do you recall hearing any phones ringing in
11 the office?

12 A I don't recall hearing any.

13 Q Do you recall seeing anyone in the west
14 wing of the office at that point?

15 A I don't recall seeing anyone.

16 Q Do you recall seeing any other doors open
17 in the west wing of the White House?

18 A I have no recollection.

19 Q When you say you have no recollection,
20 sometimes witnesses will, unless they clearly
21 remember that they don't have any recollection, but
22 do you have any inkling with regard to the subject

1 matter? I'd like to know. Well, I have an inkling
2 that --

3 A I have no inkling.

4 Q Just no recollection?

5 A Right.

6 Q You came back down the stairs. Did you see
7 anyone on the staircase?

8 A No, I did not.

9 Q And then you had the conversation with
10 Mr. Nussbaum?

11 A No. I went to the -- a uniformed division
12 officer outside the Oval Office.

13 Q So you walked down from the second floor,
14 walked down the hall because the chief of staff's
15 office is down the hall from the Oval Office, and
16 there's someone who's sitting outside the Oval Office
17 at all times?

18 A Yes.

19 Q And the light was on in the Oval Office?

20 A Right.

21 Q They always keep the light on in the Oval
22 Office?

1 A Right.

2 Q So people can take tours.

3 A And asked how do you get the burn bag, and
4 I don't recall whether he placed a phone call or gave
5 me a phone number, but a call was made.

6 Q And then what happened?

7 A The bag was brought up, the commingled
8 large bag.

9 Q And that was brought into the --

10 A Chief of staff's office suite, secretarial
11 area.

12 Q And this was the -- how big was that bag,
13 about a garbage can size?

14 A I guess it's about 3 feet.

15 Q That looks like about 4 feet. What do you
16 think, Lance?

17 MR. COLE: I'd say 4-1/2.

18 MR. GIUFFRA: 4-1/2.

19 MR. WAITZKIN: I'm staying out of this.

20 BY MR. GIUFFRA:

21 Q Was it a fairly large bag?

22 A Yes -- well, it's larger than the bags that

1 go under your desk.

2 Q Did you look inside of the larger burn bag?

3 A I tipped it over, and I started to pull out
4 a few things and stopped.

5 Q Do you recall anything that you might have
6 seen when you tipped it over?

7 A Some schedules, some presidential
8 schedules, some buck sheets that looked -- executive
9 secretary lists of all the people who check the box,
10 the Minority report on the travel office and some
11 phone messages, a list of phone messages.

12 Q Do you recall anything about those phone
13 messages?

14 A For some reason, and I don't remember why,
15 I have an impression they were from the First Lady's
16 office, but I don't know, and I saw nothing in this
17 initial -- just few seconds out, I saw nothing that
18 looked like it was from the counsel's office at all.

19 Q Did a uniformed Secret Service officer
20 bring the larger burn bag to the chief of staff's
21 suite?

22 A Yes.

1 Q Do you recall about how much time elapsed
2 between the time you spoke to the officer outside the
3 Oval Office and when the burn bag was brought to the
4 chief counsel's suite?

5 A The chief of staff's suite?

6 Q Yes, the chief of staff's suite.

7 A No. I don't think it was an extended
8 period of time, but don't recall how short.

9 Q Did anyone say to you where the larger burn
10 bag was maintained?

11 A No.

12 Q Then what happened after you tipped the
13 burn bag over and sort of looked in slightly?

14 A I realized I was -- this was the burn bag
15 of the entire west wing, thought about my security
16 briefings, thought about -- you and I have
17 discussed --

18 Q The need-to-know question?

19 A Yes, and thought wait a minute. This is --
20 I stopped and as I stopped, Gene Sperling was there
21 and said -- had sort of expressed -- I don't remember
22 the exact words but expressed the sentiment not a

1 good idea and sort of expressed what I was feeling,
2 so I put the stuff back in, tipped the bag back up.

3 Q And then what happened?

4 A Then I asked Bill Burton what should we do
5 and he said we should consult with counsel, Bernie
6 Nussbaum, about the matter, and then the conversation
7 that you and I have discussed occurred.

8 Q Was Mr. Nussbaum at that point in the chief
9 of staff's office?

10 A He was for this conversation, the part of
11 the conversation that occurred about the burn bag.

12 Q Do you recall whether he had to come down
13 from someplace or come into the office to have this
14 conversation with you or whether he was already
15 present?

16 A I don't recall.

17 Q Do you recall if Mr. Nussbaum came in and
18 out of the counsel's suite or whether he just
19 stayed -- the chief of staff's suite or whether he
20 was coming and going during the course of this
21 period?

22 A I don't recall how much of the time he was

1 present.

2 Q Do you recall if he was there the entire
3 time that you were present?

4 A I don't recall him being there the entire
5 time.

6 Q And your testimony, people were coming and
7 going during the course of time you were in the chief
8 of staff's suite?

9 A That's correct.

10 Q Again, what did Mr. Nussbaum say to you?
11 MR. WAITZKIN: I should have interjected
12 before, but I think, you know, to the extent that
13 those conversations might constitute some privileged
14 communication between White House counsel and White
15 House staff, we've been advised that the White House
16 is not asserting any privilege with respect to that.

17 So obviously it would not be Ms. Mathews's
18 privilege to waive, but we've been advised they're
19 not asserting any privileges so I haven't inserted
20 any objections to her telling you what Mr. Nussbaum
21 told her or anyone else told her.

22 MR. GIUFFRA: Thank you.

1 THE WITNESS: He explained that there was
2 no burn bag in Vincent Foster's office and that the
3 only one in the suite was out in the secretarial area
4 and that there were questions of sensitivity about a
5 commingled burn bag. Therefore, we should dispose of
6 it.

7 BY MR. GIUFFRA:

8 Q And what then happened to that larger burn
9 bag?

10 A I don't remember if I placed a call or the
11 gentleman down the hall placed the call, but it got
12 taken away.

13 Q The person down the hall would be the
14 guard --

15 A I'm sorry, the uniformed division officer
16 outside the Oval Office.

17 Q And someone then came from the uniformed
18 division and took the other burn bag away?

19 A I don't recall exactly who came, but the
20 bag was taken away.

21 Q Do you recall anything more about that
22 sequence of events?

1 A I'm sorry, I don't.

2 Q Do you recall who was present when
3 Mr. Nussbaum and yourself had the conversation that
4 you just testified to?

5 A I think that Bill Burton was there at the
6 time of that conversation.

7 Q Do you recall whether anyone else said
8 anything to you or to Mr. Nussbaum during this
9 conversation that you had with Mr. Nussbaum?

10 A No.

11 Q So it was just you and Mr. Nussbaum were
12 doing the talking?

13 A And Bill Burton was in the area. I don't
14 recall if he specifically said something or if I did
15 the explaining.

16 Q After the uniformed guard came, he took the
17 burn bag away and you really don't know what happened
18 to it at that point?

19 A That's correct.

20 Q Do you recall anything else about that
21 evening?

22 A No.

1 Q Any other conversations that you might have
2 overheard?

3 A No.

4 Q Do you have any guess as to what time you
5 might have left the White House that evening?

6 MR. WAITZKIN: Don't guess, but give him
7 your best recollection.

8 THE WITNESS: My best recollection is
9 1:30-ish, and that's not a certain time, but
10 approximately around when I think I left.

11 BY MR. GIUFFRA:

12 Q Did you spend the remainder of the evening
13 from the time the large burn bag left the chief
14 counsel's suite in the suite?

15 A Down in the chief of staff's suite?

16 Q The chief of staff's suite, excuse me.

17 A Yes.

18 Q You didn't go back upstairs to the second
19 floor?

20 A Only to take my work up and leave.

21 Q When you went back upstairs and went by the
22 counsel's suite, did you take the staircase?

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1 A I did.

2 Q Did you see anyone on the staircase?

3 A No, I did not.

4 Q Did you notice whether the door to the
5 counsel's suite was opened or closed when you passed
6 by it?

7 A I don't recall. I think it was closed, but
8 I don't recall with certainty.

9 Q Did you see anyone on the second floor of
10 the west wing when you went to return your work?

11 A No.

12 Q Were any other doors open?

13 A Not that I noticed.

14 Q Do you know an Evelyn Lieberman?

15 A I do now. I didn't then.

16 Q Do you know whether she was present that
17 evening in the counsel's suite?

18 A In the counsel's suite?

19 Q Excuse me, the chief of staff's suite.

20 A I don't recall seeing her.

21 Q Do you recall if Ms. Williams was ever in
22 the chief of staff's suite?

1 A I don't remember seeing Maggie Williams.
2 Q Do you recall seeing Ms. Thomasson at any
3 point during the evening?
4 A I don't recall seeing Ms. Thomasson.
5 MR. WAITZKIN: Keep your voice up.
6 THE WITNESS: Sorry.
7 BY MR. GIUFFRA:
8 Q Do you recall anything else about the time
9 between when the burn bag left and when you left the
10 west wing that evening?
11 A No.
12 Q Were you one of the last people --
13 A No, I do not know.
14 Q Were you one of the last people to leave
15 the chief of staff's office or were other people
16 remaining when you left?
17 A I think there were still people there when
18 I left.
19 Q Do you recall who was there?
20 A I don't, but I probably -- I don't recall,
21 who was there, but there would have been people there
22 or I would have thought about locking the door.

1 Q Do you recall if Mr. Nussbaum was present?
2 A I'm sorry, I don't.
3 Q Mr. McLarty?
4 A I don't remember.
5 Q When the larger burn bag left the chief of
6 staff's office, do you recall anyone giving any
7 instructions to the uniformed officer when he took
8 the burn bag?
9 A No.
10 Q Did you give any instructions to the
11 uniformed officer when he took the burn bag?
12 A No.
13 Q Just take it back where you brought it
14 from?
15 A Yes.
16 Q Do you recall anything more about the
17 conversation you would have had with the uniformed
18 officer?
19 A No, I'm sorry.
20 Q But at least your understanding he would
21 take the burn bag back --
22 A Yes, I don't remember him specifically

1 coming in, taking it away. I remember it was taken
2 and went back to where it came from.

3 Q And ultimately to be disposed?

4 A Yes.

5 Q And your understanding is that

6 Mr. Nussbaum's instructions were that the burn bag
7 should be treated as in the ordinary course, meaning
8 it would be disposed?

9 A That's correct.

10 Q Did Mr. Nussbaum ever look in the burn bag?

11 A Not that I know of.

12 Q So you would have been the only person to
13 have looked in the burn bag?

14 A That's correct.

15 Q Did anyone object to Mr. Nussbaum's
16 instruction with regard to the handling of the burn
17 bag or make any other statements about whether maybe
18 we should save the burn bag?

19 A No. I mentioned the actions I had taken
20 both in relation to the trash and the burn bag to
21 several other senior staff, and they acknowledged
22 that.

1 Q Did you mention it to other senior staff
2 after the larger burn bag had left the chief of
3 staff's suite?

4 A I don't recall --

5 MR. WAITZKIN: Keep your voice up.

6 THE WITNESS: I'm sorry. I don't recall
7 the sequence.

8 BY MR. GIUFFRA:

9 Q But you recall discussing the manner in
10 which you handled the clear plastic trash bag and the
11 larger burn bag with other staff other than with
12 Mr. Nussbaum?

13 A That's correct.

14 Q Do you have any recollection as to who
15 those staff might have been?

16 A Howard Pastor, I think, David Dreyer, I
17 think, and I think Mark Gearan.

18 Q Do you recall anything specifically about
19 the conversations that you had with -- let's go in
20 order -- Mr. Pastor?

21 A No.

22 Q Your conversation with Mr. Dreyer?

1 A No. The general gist I described is what I
2 recall.

3 Q Nothing with the conversation with
4 Mr. Gearan other than the general gist being did I do
5 the right thing essentially?

6 A That's correct.

7 Q Did you have any concern as to whether
8 Mr. Nussbaum's advice was correct?

9 A I just always check. I'm kind of a
10 checker.

11 Q You wanted a second opinion?

12 A No. I think there were senior staff people
13 around and I just talked to them about actions I had
14 just taken on a serious matter.

15 Q You thought this was a serious matter?

16 A I had never been around a suicide or the
17 events that happen after a suicide.

18 Q But at least your impression was it was a
19 serious matter -- you believed it to be a serious
20 matter?

21 A If someone had killed themselves, yes.

22 Q And you viewed the handling of the papers

1 that were in that person's offices as something that
2 needed to be dealt with as more than the ordinary
3 course?

4 MR. WAITZKIN: I'll object to the form of
5 the question. If you know how to answer it, go
6 ahead.

7 MR. GIUFFRA: It's been a long day.

8 MR. WAITZKIN: Why don't you put the
9 question to her again.

10 BY MR. GIUFFRA:

11 Q Let me rephrase the question. It was your
12 belief that in view of the fact that Mr. Foster had
13 committed suicide, that certain actions had to be
14 taken with regard to his office?

15 A I guess I thought about things that would
16 leave and we should just think about things -- we
17 should think about the trash gets disposed of each
18 night. That's the kind of thought I had. The trash
19 gets disposed of.

20 Q And you thought there might be, for
21 example, some sort of a note or some other evidence
22 that might be relevant that would be in the trash?

1 A A note is what I thought of when I thought
2 of the trash.

3 Q Did you discuss with anyone the fact that
4 you thought there might be a note in the trash?

5 A I don't recall if I specifically, when
6 asked if I should go get the trash, whether that was
7 my logic.

8 Q Do you recall discussing the possibility of
9 a note being in the burn bag with Mr. Nussbaum?

10 A I don't recall having that conversation
11 with Mr. Nussbaum.

12 Q Do you recall having any discussion with
13 regard to a possible note with Mr. Nussbaum, whether
14 being in the burn bag or in Foster's office?

15 A No.

16 Q Do you recall anyone in the chief of
17 staff's suite during the period that you were there
18 that evening discussing the existence of a possible
19 note, a suicide note?

20 A The only conversation is what we talked
21 about before when I heard one side of the phone
22 conversation with Bill Burton and the Park Police.

1 Q And Bill Burton was stating that no note
2 had been found?

3 A That was my understanding from my one side
4 of a conversation that I was hearing.

5 Q Was it your impression that Mr. Burton
6 was -- that the Park Police person was saying that no
7 note had been found or Mr. Burton was saying that no
8 note had been found at the White House?

9 A My understanding was it was coming from the
10 police, Park Police.

11 Q Did Mr. Burton say anything about looking
12 for a note at the White House to the Park Police
13 officer?

14 A I don't recall him saying anything about
15 that.

16 Q Do you recall discussing the possible
17 existence of a note with Mr. Pastor?

18 A No.

19 Q Or Mr. Dreyer?

20 A No.

21 Q Or Mr. Gearan?

22 A No.

1 Q What was Mr. Pastor's position at the White
2 House?

3 A At that time he was the assistant to the
4 President for legislative affairs.

5 Q And where was his office located?

6 A On the opposite side of the second floor
7 perpendicular on the other -- on the other side of
8 the second floor of the west wing -- other side than
9 the side we've been discussing.

10 Q Would he have been in the Northwest corner
11 of the west wing?

12 A Maybe you can do the directions better. If
13 this were the counsel's suite and this is where I
14 was, Howard Pastor's office is over here, so it is
15 closest to the Old Executive Office Building.

16 Q Closest to Pennsylvania Avenue?

17 A Yes.

18 Q Did Mr. Pastor say anything to you about
19 any activity that he saw on the second floor that
20 evening?

21 A No.

22 Q Mr. Dreyer, where was his office located --

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1 what was his position? Excuse me.

2 A I don't remember which job he had at that
3 time. David Dreyer switched jobs over time, so I'm
4 not certain at which point we were at so I don't
5 know. He was in communications and the space that he
6 resided, I think, moved, but for the majority of the
7 time I was in the White House it was in the Old
8 Executive Office Building.

9 Q Dreyer would have been in the Old Executive
10 Office Building?

11 A I apologize. I don't know at that night
12 where he was.

13 Q And Mr. Gearan, he was the director of the
14 communications?

15 A I don't remember if we had switched at that
16 point or not.

17 Q But he ultimately held that position?

18 A Yes.

19 Q And the director of communications office
20 was on the first floor of the west wing?

21 A Yes.

22 Q Do you recall whether Mr. Pastor was

1 present in the chief of staff's suite intermittently
2 throughout the evening?

3 A I think I did see him there.

4 Q He was one of the people that was coming
5 and going?

6 A I saw him at some point there.

7 Q Mr. Dreyer, was he also someone who was in
8 and out of the chief of staff's suite?

9 A At some point I saw him there.

10 Q And Mr. Gearan, was he also someone who had
11 been in and out of the chief of staff's suite?

12 A At some point I saw him in the office, in
13 the chief of staff's suite.

14 Q Can you think of anyone else who would have
15 been in and out of the chief of staff's suite that
16 evening that we haven't discussed so far?

17 A No.

18 Q That evening, was most of the activity in
19 the west wing centered on the chief of staff's suite
20 to the best of your recollection or understanding?

21 A I don't know what was happening in other
22 parts.

1 Q Did you notice any activity anywhere else
2 in the west wing, other than in the chief of staff's
3 office?

4 A I was only in that part and the places
5 we've described.

6 Q And walking down to the Oval Office?

7 A No, I didn't see anything in walking down
8 to the Oval Office.

9 Q Do you recall anything else about that
10 evening we haven't discussed in excruciating detail?

11 A No.

12 Q Any other conversations that might have
13 occurred?

14 A No.

15 Q The next day, do you recall what time you
16 arrived at the office?

17 A Between 7:45 and 8:15.

18 Q During the course of that day, did you
19 speak to anyone from the counsel's office?

20 A No.

21 Q Did you speak to Mr. Nussbaum?

22 A No.

1 Q Did you speak to Ms. Williams?
2 A No.
3 Q Did you speak to anyone about the events of
4 the prior evening?
5 A No, not that I recall.
6 Q Did you speak to Mr. McLarty or anyone from
7 his office?
8 A I don't think so, no.
9 Q Did you know Craig Livingstone at that
10 point?
11 A No.
12 Q Did you see anyone -- when you arrived at
13 work in the morning, did you walk by the counsel's
14 suite?
15 A Yes.
16 Q Do you recall --
17 A I don't remember doing it, but I would have
18 to go to work. I go up the stairs.
19 Q Do you recall seeing whether the door was
20 opened or closed?
21 A No.
22 Q Did you see anyone carrying a box of any

1 sort on the second floor of the west wing that day,
2 that morning?
3 A No, I did not.
4 Q Did you visit the counsel's office at any
5 point during --
6 A No, I didn't.
7 MR. WAITZKIN: Let him finish the
8 question. You don't know during what.
9 THE WITNESS: Sorry.
10 BY MR. GIUFFRA:
11 Q During the 21st?
12 A No, I did not.
13 Q Did you ever have any conversations with
14 anyone at the White House about the events that you
15 were involved with on July 20th in the evening,
16 either on the 21st, the 22nd or thereafter?
17 MR. WAITZKIN: Are you excluding people
18 from the White House counsel's office in that
19 question?
20 MR. GIUFFRA: Anyone.
21 MR. WAITZKIN: So we don't tread on
22 privilege, why don't you put the question to her

1 first other than White House counsel.

2 BY MR. GIUFFRA:

3 Q Anyone other than White House counsel?

4 A At any point did I have a conversation
5 about those events, other than White House counsel at
6 any time?

7 Q I'm trying to speed it up. On July 21, you
8 really had no further involvement in anything bearing
9 on handling of any papers in Mr. Foster's office?

10 A That's correct.

11 Q You didn't know anything about whether any
12 Park Police officers wanted to look in Mr. Foster's
13 office?

14 A No, I didn't.

15 Q You didn't know anything about whether any
16 Park Police officers wanted to look in Mr. Foster's
17 office?

18 A No.

19 Q No one ever discussed that matter with you?

20 A No.

21 (Witness conferred with counsel.)

22 THE WITNESS: I did make a phone call down

1 to Roy Neel's office to tell them that that bag was
2 in the office.

3 BY MR. GIUFFRA:

4 Q Was that something you did early in the
5 morning on the 21st?

6 A Yes, I called and left a message.

7 Q Do you recall who you spoke to?

8 A No, I think I spoke to an assistant.

9 Q And you made that phone call at your own
10 initiative?

11 A Yes, to explain.

12 Q Why there was this trash bag in his office?

13 A Yes.

14 Q And they should dispose of it?

15 A I called to tell them what it was that was
16 sitting there.

17 Q Did you give any instructions with regard
18 to the trash bag?

19 A I gave no instructions.

20 Q Other than with -- strike that question.

21 Did you discuss the events of the night of
22 July 20th with anyone at the White House on July 21st

- 1 that you can recall?
- 2 A Not that I can recall.
- 3 Q Discuss it with Mr. Rubin?
- 4 A Not that I recall.
- 5 Q Mr. Sperling?
- 6 A Not that I recall.
- 7 Q Did you discuss those events with
- 8 Mr. Gearan?
- 9 A On July 21st? Not that I recall.
- 10 Q Do you recall on July 20 when you spoke to
- 11 Mr. Gearan whether he was taking any notes?
- 12 A I don't recall him taking any notes.
- 13 Q Do you recall anyone taking notes on July
- 14 20th during the meetings in the chief of staff's
- 15 suite?
- 16 A I have no recollection of anyone taking any
- 17 notes.
- 18 Q Did there come a time when you learned of
- 19 the discovery of a torn-up note in Mr. Foster's
- 20 briefcase?
- 21 A Only through press accounts.
- 22 Q You've never had any discussions with

- 1 anyone at the White House about the discovery of that
- 2 note?
- 3 A No.
- 4 Q And you have no knowledge with regard to
- 5 the circumstances of the discovery of that note?
- 6 A Only what I've read in the press.
- 7 Q Do you have any knowledge with regard to
- 8 any movement of documents from Mr. Foster's office or
- 9 out of Mr. Foster's office other than what you've
- 10 testified to here today?
- 11 A I have no knowledge.
- 12 MR. GIUFFRA: Why don't we take a short
- 13 break.
- 14 (Recess.)
- 15 BY MR. GIUFFRA:
- 16 Q Other than with White House counsel, did
- 17 you discuss the events of the night of July 20th with
- 18 anyone on the White House staff?
- 19 A Yes.
- 20 Q Who did you discuss those events with?
- 21 A Mark Gearan and I think it was Dee Dee
- 22 Myers and someone from the counsel's office and I'm

1 not sure if it was Cliff Sloan or not, but someone
2 from the counsel's office before Dee Dee Myers was
3 going to appear before the press after an article had
4 appeared. It wasn't an article. It was a mention
5 about trash in August in a newspaper.

6 Q So your recollection is that this
7 conversation occurred in August of '93?

8 A Yes.

9 Q Would the conversation have been in Dee Dee
10 Myers's office or in Gearan's office?

11 A I think it was in Mark Gearan's office.

12 Q Which would have been on the first floor of
13 the west wing?

14 A Yes.

15 Q The bigger office?

16 A Yes.

17 Q What do you recall about that meeting?

18 A I was asked what did you do with the trash
19 and told them what I told you but not in as much
20 detail.

21 Q I'm sure they weren't as interested.

22 MR. WAITZKIN: Off the record.

100

1 (Discussion off the record.)

2 BY MR. GIUFFRA:

3 Q Do you recall anything else about the
4 conversation other than recounting the events of the
5 evening of July 20?

6 A No, I was asked to give information.

7 Q Do you know what happened to that trash bag
8 that was in Neel's office?

9 A No.

10 Q Do you know whether anyone ever looked
11 inside at the contents of it again?

12 A No.

13 Q Did you have any other discussions, other
14 than with White House counsel, about those events on
15 July 20th with anyone at the White House that you can
16 recall, other than this one conversation with Gearan
17 and Myers?

18 A I don't recall any other conversation. I
19 did have a conversation with John Podesta.

20 Q Do you recall when that conversation was?

21 A I don't recall exactly when it was, but it
22 was soon after the death of Vince Foster.

1 Q Would it have been before or after the
2 Gearan conversation?

3 A Before.

4 Q And do you remember anything about that
5 conversation with Podesta?

6 A Yes.

7 Q And what do you recall?

8 A I read in the newspaper that there was
9 allegedly a concern about the travel office related
10 to Vince Foster, so I went and told Podesta about the
11 document I had seen in the bag.

12 Q What document was that?

13 A The Minority report of the travel -- on the
14 travel office.

15 Q This would be a Congressional report?

16 A Yes.

17 Q And you just saw the cover of the report?

18 A That's correct.

19 Q And this was something that was in that
20 plastic bag -- oh, it was in the burn bag?

21 A Burn bag.

22 Q Okay, I'm sorry. Do you recall anything

1 else about that conversation with Podesta? Did you
2 recount the events of July 20?

3 A No. I just mentioned a little bit about
4 the burn bag, and I saw that document.

5 Q And it was significant?

6 A That was the question I asked. He said his
7 office was the only office that had received it at
8 that time, and it was among the types of things I had
9 seen the buck sheets and it was right there with
10 those, that type of thing.

11 Q What was his position at that point?

12 A He was staff secretary.

13 Q Was his office on the second floor of the
14 west wing?

15 A No. It was on the bottom level.

16 Q In the basement?

17 A Yes.

18 Q Can you recall any other conversations with
19 White House officials or personnel with regard to the
20 events of July 20?

21 A No, I don't recall any other conversations.

22 Q Do you recall any conversations with anyone

1 at the White House with regard to anything having to
2 do with the handling of papers in Mr. Foster's office
3 that you can recall?

4 MR. WAITZKIN: Other than White House
5 counsel?

6 MR. GIUFFRA: Other than White House
7 counsel.

8 THE WITNESS: None that I recall.

9 BY MR. GIUFFRA:

10 Q And you have no knowledge as to whether any
11 papers were removed from Mr. Foster's office?

12 A I have no knowledge of that.

13 Q I just want to run through a few
14 documents. What we've been doing in terms of marking
15 exhibits, this document we'll call Z139, which is the
16 Bates number on the document.

17 (Deposition Exhibit Z139 identified.)

18 BY MR. GIUFFRA:

19 Q I'd like to show you this document. We
20 received it from the White House in connection with
21 their production. If you could just take a look at
22 it.

1 (Witness reviewed document.)

2 Have you seen this document before?

3 A Yes.

4 Q What is this document?

5 A It is notes that I typed on my computer.

6 Q Do you recall when you typed the notes?

7 A Not the exact date. It was within seven to
8 10 days of the incident, of Vince Foster's death.

9 Q Do you recall why you typed the notes?

10 A Not specifically. I'm sort of a person of
11 order.

12 Q Do you have any recollection as to anyone
13 asking you to type up any certain notes?

14 A No one asked me.

15 Q And other than being a person of order, do
16 you have any recollection as to why you might have
17 typed up these notes?

18 A No. A serious event -- a suicide --

19 MR. WAITZKIN: Keep your voice up.

20 THE WITNESS: A suicide had happened, and I
21 just started typing, but of course as you notice,
22 never completed it.

1 BY MR. GIUFFRA:

2 Q You just thought it was important, at least
3 a written recollection of what you had recalled
4 happening that night were prepared -- that's a bad
5 question. Let me pull that one back.

6 You thought it was appropriate to prepare
7 some sort of a written memoranda or document setting
8 forth your recollection of the events of July 20th?

9 A I thought it would be helpful if I wrote
10 down the events.

11 Q And you have no other recollection as to
12 why you might have written down the events?

13 A No.

14 Q This document has four paragraphs. It
15 contains four paragraphs; correct?

16 A Yes.

17 Q The last sentence of the last paragraph,
18 last clause is "and they took me up to the second
19 floor." And then it just ends. Did you type
20 anything else?

21 A No.

22 Q Do you know why you stopped typing after

1 four paragraphs?

2 A Because I was interrupted and distracted
3 and never came back to it.

4 Q Was this a document that was on the hard
5 drive of your computer or on a disk?

6 A I think that it was on my hard drive.

7 Q So you had typed the four paragraphs, saved
8 it on the hard drive and it just remained on your
9 hard drive until sometime when someone asked you
10 whether you had anything related to this matter?

11 A When there was a document request.

12 MR. WAITZKIN: Mr. Giuffra, this was -- we
13 started talking about this earlier on. When the
14 special prosecutor's office directed a subpoena to
15 the White House to produce various documents, a
16 memorandum was sent around to all the White House
17 staff to generate any documents that they had with
18 respect to that matter. This document and one other
19 was produced by Ms. Mathews after reviewing what she
20 had and she found these are the only two documents
21 related to it.

22 And just to tie it up to where we were

1 before, when the White House apparently got the
2 document request from you-all, they produced again
3 the same documents she had produced to them back in
4 response to the special prosecutor's request.

5 BY MR. GIUFFRA:

6 Q Ms. Mathews, has your counsel accurately
7 stated what your understanding is with regard to
8 these two documents?

9 A Yes, that's correct.

10 Q Let's just take a look at the specifics of
11 the document. The first paragraph discusses the Park
12 Police calling on the phone with them. It mentions
13 "Dee Dee" -- and that's Dee Dee Myers?

14 A Yes.

15 Q And "David" is David Dreyer?

16 A Yes.

17 Q And there's discussion that there was no
18 note found in the car. Now, the second paragraph
19 says -- and I'll just read it into the record -- "I
20 then asked the three of them if anyone had made sure
21 that the trash had not been dumped in Vince's
22 office. At that point, Bill said we should get

1 Bernie and lock the office. I am uncertain what time
2 that was, but probably after 10:00 p.m. I don't
3 remember who told Bernie, but he went up and locked
4 the office."

5 Does that accurately reflect your
6 understanding as to what happened that evening?

7 A Yes, it does.

8 Q Do the other two paragraphs in this
9 document reflect your understanding as to what
10 happened that evening?

11 A Yes.

12 Q Let me show you another document and mark
13 this as Exhibit Z140.

14 (Deposition Exhibit Z140 identified.)

15 BY MR. GIUFFRA:

16 Q This appears to be a list of items. Is
17 this your handwriting?

18 A Yes, it is my handwriting.

19 Q Could you state for the record what this
20 document is?

21 A This is a list of those things that I found
22 in the trash.

- 1 Q This would be in the clear plastic bag?
2 A Clear plastic bag, yes.
3 Q And did you prepare this document on the
4 evening of July 20th?
5 A Yes, I did.
6 Q And you prepared this -- did you prepare
7 this document when you were in the chief of staff's
8 suite?
9 A Yes.
10 Q In the outer office?
11 A Yes.
12 Q And after the events on July 20th you
13 brought this document back to your office and filed
14 it; is that correct?
15 A I taped it to the back.
16 Q Okay. This is the document you taped to
17 the bag?
18 A Uh-huh.
19 Q Do you know anything more about this
20 document that we should be aware of?
21 A No. It lists -- as I mentioned, the only
22 thing that's not listed is the creamer.
-

- 1 Q Do you think this accurately reflects what
2 was in the plastic bag?
3 A Yes.
4 Q In preparing this document, you tried to be
5 careful and accurately reflect what was in the
6 plastic bag?
7 A That's correct.
8 Q Just a couple of other questions. Were you
9 ever interviewed by the FBI about the events that
10 we've discussed today?
11 A Yes, I was.
12 Q Do you recall when you were interviewed?
13 A May of 1994? May of 1994.
14 Q Were you interviewed on any other occasions
15 by the FBI?
16 A No.
17 Q And did you ever appear before the grand
18 jury?
19 A Yes, I did.
20 Q And when was that?
21 A March or April of this year.
22 Q '95?

1 A Yes.

2 MR. GIUFFRA: I don't have any further
3 questions. Thank you very much.

4 MR. BEN-VENISTE: I have just a few
5 questions.

6 EXAMINATION

7 MR. BEN-VENISTE:

8 Q Ms. Mathews, first, with respect to Z139 --

9 A Which is which one?

10 Q -- that Mr. Giuffra showed you. That was
11 the --

12 A Typed note?

13 Q -- typed note, four-paragraph note. Do you
14 recall that when you had the conversation about
15 Bernie Nussbaum locking the office, as to whether you
16 saw Mr. Nussbaum go up and actually lock the office?

17 A I did not see that happening.

18 Q You didn't follow him upstairs?

19 A No.

20 Q So when you say I don't remember who told
21 Bernie, but he went up and locked the office, your
22 knowledge about his locking the office was derived

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1 from what source?

2 A As we discussed it, I have the impression
3 that it was done. It's my understanding and
4 belief -- I do not remember specifically where that
5 comes from.

6 Q And you don't know whether he locked the
7 office right at that time or he locked the office
8 when he left the office that evening or what time the
9 actual locking of the office might have occurred?

10 A That's correct. I do not know the specific
11 time.

12 Q Nor did you actually witness the event of
13 locking the office?

14 A I did not witness the event.

15 Q Now, your conversation with Mr. Podesta
16 sometime subsequent to Mr. Foster's suicide -- is it
17 clear from what Mr. Podesta told you that you
18 understand that the Minority report on the travel
19 office that you mentioned having seen in the burn bag
20 was, according to Mr. Podesta, put in a burn bag for
21 disposal that day by him?

22 A That it came from his office. I don't know

1 physically what individual put -- yes, my impression
2 was that was put in the staff secretary's burn bag.

3 Q Did Mr. Podesta also tell you, to the best
4 of your recollection, that to his knowledge, his
5 office was the only one which had at that time a copy
6 of that Minority report?

7 A Yes.

8 Q Was it your understanding that this was
9 some sort of advanced copy or draft as opposed to the
10 officially released Minority report?

11 A I don't recall what it said. I just
12 remember understanding that it was only in that
13 place.

14 Q And you knew at or about that time that
15 Mr. Foster was quite interested in the whole issue of
16 the travel office prior to his suicide?

17 A I only knew that by a reference in a
18 newspaper article.

19 Q And was that reference that which sparked
20 your inquiry of Mr. Podesta?

21 A Yes.

22 Q And were you satisfied, then, as a result

1 of your inquiry of Mr. Podesta that the document that
2 you had recalled seeing had, in fact, come from
3 Mr. Podesta's office rather than Mr. Foster's?

4 A I was satisfied of that.

5 Q With respect to the conversation you
6 overheard between Mr. Burton and the Park Police on
7 the night of the suicide, could you conclude on the
8 basis of hearing one side of that conversation as to
9 whether the Park Police had made any request of
10 Mr. Burton that the office be locked or otherwise
11 secured? I refer to Mr. Foster's office.

12 A I couldn't make a conclusion from what I
13 heard.

14 Q And finally, with respect to the issue of
15 the trash and the trash collection on the evening of
16 the suicide, is it fair to summarize your testimony
17 as you having realized that evening that there would
18 be a trash collection and that conceivably
19 information that was in the trash might somehow be
20 relevant to any inquiry that might later be made, and
21 it might be a good idea to preserve it?

22 A I thought that there might be a note in the

1 trash. And after I found nothing, I thought I should
2 preserve it.

3 Q Right. So your instinct was to see whether
4 somehow there would be some clue as to any motive or
5 reason for the suicide that might have somehow gotten
6 into Mr. Foster's trash?

7 A I was looking -- I thought there might be a
8 note that might have been disposed of or something
9 like that.

10 Q And when you say "a note," you mean a note
11 written by Mr. Foster --

12 A Yes.

13 Q -- explaining something that might be
14 relevant to the tragic circumstances of that evening?

15 A That's correct.

16 Q And when you came to think about it
17 further, was there any logic to the notion that
18 someone might write a suicide note or an explanatory
19 note and then throw it in the trash? Did you get
20 that far in your reasoning?

21 A I never thought that far.

22 Q And to get beyond that, the notion of

1 someone writing a suicide note or other explanatory
2 note and then throwing it in the burn bag, would that
3 be even further removed, from a logical standpoint?

4 A Are you asking me did I think that or do I
5 think that?

6 Q Well, did you think about that at the time
7 that you were thinking about preserving this
8 material?

9 A No.

10 Q And as you think about it now, would that
11 have been even further removed, from a logical
12 standpoint, in terms of what someone might do with a
13 suicide note or a note explaining his actions?

14 A I don't know that I would sort of project
15 what people might do when they're in a state that's
16 that serious.

17 Q Speaking of the emotional state, could
18 you -- and forgive me if I'm being repetitive of what
19 you may have testified about prior to the point that
20 I joined the deposition -- could you describe the
21 emotional state of the individuals with whom you had
22 contact that evening following the news of

1 Mr. Foster's sudden death?

2 A There was a seriousness, and there was also
3 concern, concern that you would expect of people who
4 just had a person that some people knew well commit
5 suicide.

6 Q Were there people who were crying?

7 A I don't recall seeing anyone crying.

8 Q Were they talking in hushed tones?

9 A People were in no way raucous.

10 Q There wasn't the usual sort of -- obvious
11 usual sort of louder camaraderie exhibited that you
12 might have found in the White House on an evening
13 following the President's appearance on a popular
14 television program?

15 A That's correct.

16 MR. BEN-VENISTE: I believe that will do it
17 for us.

18 MR. GIUFFRA: I just have a couple
19 questions.

20 EXAMINATION

21 BY MR. GIUFFRA:

22 Q With regard to this document, Z139, was

1 this document an attempt to create a narrative
2 description of events on July 20th?

3 A It was an attempt to create a description
4 of the events that I partook in that evening.

5 Q Did you attempt to describe those events in
6 chronological order?

7 A This was just me sitting down typing as
8 things came to me because the paragraphs are out of
9 order, so it was just as things came.

10 Q But in looking at this document, does this
11 document appear to you to be written in chronological
12 order, at least the events up to the end of the
13 fourth paragraph?

14 A This is not well written. It's out of
15 order.

16 Q What paragraph might be out of order?

17 A Probably there were sentences out of order.

18 Q What sentences do you believe are out of
19 chronological order?

20 A I said -- in the fourth paragraph, "I said
21 I guess we should make sure that the trash should not
22 be dumped and Bill agreed," that those events

1 occurred together -- the events that we're talking
2 about here -- with the phone conversation. "I then
3 asked the three of them if anyone had made sure that
4 the trash had not been dumped in Vince Foster's
5 office. I said I guess we should make sure the trash
6 had not been dumped and Bill agreed." That's the
7 logical way that that would flow. I then asked the
8 cleaning ladies, so it is out of order.

9 (Witness conferred with counsel.)

10 THE WITNESS: This actually comes first --

11 MR. WAITZKIN: You have to identify what
12 you're referring to.

13 THE WITNESS: The first paragraph probably
14 should have been "during the evening I don't recall
15 anyone wandering around. As a matter of fact, I came
16 upstairs to gather work." Chronologically, that
17 event happened before this phone conversation as we
18 discussed. When I sat down -- was I attempting to do
19 it chronologically? Yes. Is this poorly written and
20 did I not achieve that? Yes.

21 BY MR. GIUFFRA:

22 Q With regard to the second paragraph, there

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1 appears to be a narrative discussion of a
2 conversation that you had with Dee Dee, David and
3 Bill. "I then asked the three of them if anyone had
4 made sure that the trash had not been dumped" and
5 then it says "at that point, Bill said we should get
6 Bernie and lock the office." Do you remember that
7 discussion occurring closely in time to the
8 discussion with regard to the dumping of the trash in
9 Vince's office?

10 A Yes.

11 Q Now, just looking at the sentence
12 structure, "I don't remember who told Bernie," do you
13 recall that occurring, from a temporal standpoint,
14 relatively closely to this conversation about the
15 trash?

16 A Yes. Those events, in my mind, occurred
17 temporally together.

18 Q "But he went up and locked the office." Do
19 you believe that that temporally occurred near the
20 conversation with regard to the trash?

21 A That is my belief.

22 MR. GIUFFRA: No further questions.

1 MR. COLE: Nothing from us.

2 MR. WAITZKIN: I have no questions.

3 (Whereupon, at 6:30 p.m., the deposition
4 was concluded.)

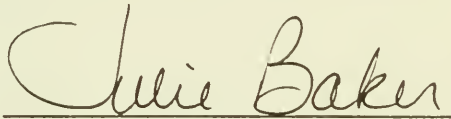
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CERTIFICATE OF NOTARY PUBLIC & REPORTER

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I, JULIE BAKER, the officer

before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Notary Public in and for the
District of Columbia

My Commission Expires

SEPTEMBER 30, 1997

The park police called and Bill was on the phone with them. Dee Dee and David were in Mack's office too. I realized somewhere in the conversation, which I was hearing from one side, that there was no note found in the car. As a matter of fact, I think Bill asked the policeman.

I then asked the three of them if anyone had made sure that the trash had not been dumped in Vince's office. At that point Bill said we should get Bernie and lock the office. I am uncertain what time that was, but probably after 10pm. I don't remember who told Bernie, but he went up and locked the office.

During the evening, I don't recall anyone wondering around, especially on the second floor. As a matter of fact, I came upstairs to gather work to do while I was going to sit in Mack's office and was a bit spooked by the fact that I was all alone.

I said, I guess we should make sure the trash had not been dumped, and Bill agreed. I asked the cleaning ladies on the first floor and they said they had already dumped the trash. So I asked them where it was and they took me up to the second floor

- President's schedule
- Note about the "NW" article and the Columbia article
- Memo on change in summer clerk assign.
- Dee's Press Briefing
- Congres. Daily
- Pres Trip Book
- WH. Bulletin
- News Sum

• many^{credit card} receipts

**DEPOSITION OF RONALD K. NOBLE
IN RE: S. RES. 120**

TUESDAY, JUNE 27, 1995

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER
DEVELOPMENT CORPORATION AND RELATED MATTERS,
Washington, DC.

Deposition of RONALD K. NOBLE, called for examination pursuant to notice of deposition, at 9:45 a.m. in Room 534 of the Dirksen Senate Office Building, before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

EVERETT C. JOHNSON, JR., Esq.
Majority Deputy Special Counsel
LANCE COLE, Esq.
Minority Deputy Special Counsel
RICHARD BEN-VENISTE, Esq.
Minority Special Counsel
U.S. Senate
Committee on Banking, Housing, and Urban Affairs
534 Dirksen Building
Washington, DC 20510
On behalf of the Committee.

ROBERT M. McNAMARA, JR., Esq.
Assistant General Counsel, Enforcement
U.S. Department of the Treasury
Washington, DC 20220
On behalf of the Deponent.

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1 PROCEEDINGS

2 Whereupon,

3 RONALD K. NOBLE

4 was called as a witness and, having first been duly
5 sworn, was examined and testified as follows:

6 EXAMINATION

7 BY MR. JOHNSON:

8 Q Good morning, Mr. Noble.

9 A Good morning.

10 Q We've had an opportunity to meet. We've
11 had an opportunity to introduce ourselves off the
12 record. Let me do it again briefly for the record.
13 As you know, my name is Everett Johnson and I'm one
14 of the attorneys working on the Majority staff in
15 connection with the Special Senate Whitewater
16 Committee's investigation into Whitewater and related
17 matters.18 That investigation is authorized by Senate
19 Resolution Number 120, which constitutes the
20 committee and directs the staff to undertake certain
21 topics. The particular topic that brings us here
22 this morning is generally speaking, the handling of

4

1 the documents in Vincent Foster's office at or around
2 the time of his death on July 20, 1993, and the
3 questions that I ask and that Mr. Ben-Veniste will
4 ask you will deal generally with that topic and your
5 knowledge, if any, on that topic.6 I know you are quite familiar with
7 deposition procedures. Let me just remind all of us,
8 I suppose, about a couple of obvious things. As you
9 know, Ms. Baker is going to make a transcription of
10 the proceeding. It's useful if we try not to speak
11 simultaneously and as you know, she can't record
12 nonverbal responses.

13 A Yes.

14 Q So if you make verbal responses that will
15 be easier for her. Obviously if you need to confer
16 with your counsel at any time, feel free to do so. I
17 will try to be clear in the questions. I will
18 sometimes fail, and I'll count on you to tell me if
19 I've asked a question that doesn't make any sense or
20 needs clarification.

21 A I understand.

22 Q Why don't I ask you to give us -- your

1 career is well known, but for the benefit of the
2 record, give us 30 seconds of your work history.

3 A Following my graduation from Stanford Law
4 School in 1982, I served as the senior law clerk to
5 Judge A.P. Higginbotham, H-i-g-g-i-n-b-o-t-h-a-m, Jr.
6 in Philadelphia until September of 1984 when I became
7 assistant U.S. Attorney. Served as an assistant U.S.
8 Attorney until May 31 of 1988 when following the
9 resignation of Assistant Attorney General William
10 Weld and Deputy Attorney General Arnie Burns, the
11 then-U.S. Attorney for the Eastern District of
12 Pennsylvania, Edward Dennis was asked to be the
13 Assistant Attorney General for the criminal
14 division.

15 And during that one year and 11-month
16 period or seven-month period, I served as his special
17 counsel and chief of staff and a deputy assistant
18 Attorney General until I started teaching law at the
19 New York University School of Law first as an
20 assistant professor and now I'm an associate
21 professor on leave.

22 Q If I'm right about that, you would have

1 begun teaching sometime in late 1989?

2 A Late '89 or early '90. The winter/spring
3 semester of 1990 would have been when I formally
4 taught, but I went to New York in December of 1989,
5 that's correct. And then I came to Washington on a
6 part-time basis in January of 1993 until I was
7 confirmed in May of 1993 as assistant secretary for
8 enforcement at the Department of the Treasury. And
9 then July of 1994, I was appointed to the position of
10 undersecretary for enforcement which I've been
11 occupying since then.

12 Q I take it when you were the assistant
13 secretary for enforcement, you were nominated to that
14 position by President Clinton; is that correct?

15 A That's correct.

16 Q And you were confirmed by the United States
17 Senate?

18 A That's correct.

19 Q And then sometime, I think you said in July
20 of 1994, you assumed your present position, which is
21 undersecretary of the Treasury, also with
22 responsibility for enforcement?

1 A Exactly.

2 Q And were you again confirmed by the Senate?

3 A Yes, I was.

4 Q As we've stated, Mr. Noble, our primary
5 point of inquiry today focuses on the July 1993 time
6 period, which if I understand it, you were the
7 assistant Secretary of the Treasury at that time?

8 A That's correct.

9 Q What, generally speaking, were your
10 responsibilities at that time?

11 A I had direct line responsibility over the
12 Bureau of Alcohol, Tobacco and Firearms, for the U.S.
13 Customs Service, the U.S. Secret Service, the Federal
14 Law Enforcement Training Center, several offices in
15 the office of enforcement and policy oversight,
16 responsibility for the IRS's criminal investigation
17 division.

18 Q And during this period of time, Mr. Noble,
19 to whom did you report directly, if anyone?

20 A To the deputy secretary of the Treasury and
21 to the Secretary of the Treasury. I believe the
22 Deputy Secretary of the Treasury was Roger Altman and

1 the Secretary was Lloyd Bentsen.

2 Q I know there are a large number of people
3 who reported to you, but let me ask you to touch on
4 the direct reports again focusing again on July of
5 '93?

6 A Who directly reported to me?

7 Q Yes.

8 A The bureau heads of the components I just
9 articulated.

10 Q So the director of ATF would have reported
11 to you?

12 A Right.

13 Q Is it director or commissioner --

14 A Commissioner of Customs, director of
15 Secret Service.

16 Q Was that Mr. Magaw?

17 A Correct, John Magaw.

18 Q And I take it someone at the Internal
19 Revenue Service also would have reported directly to
20 you; is that correct?

21 A It's a novel relationship we have.

22 "Reporting" might be too strong a word. Consulting

1 with me, coordinating with me, but reporting might be
2 a bit strong.

3 Q And you mentioned the Federal Law
4 Enforcement Training Center?

5 A The director would have reported to me
6 directly.

7 Q And in your present position as the
8 undersecretary responsible for enforcement, how are
9 your responsibilities different than when you were
10 assistant secretary?

11 A Since there has been no assistant secretary
12 appointed, my job responsibilities haven't changed.

13 Q And have your reporting responsibilities
14 changed?

15 A They have not.

16 Q Do you still today report to the deputy
17 secretary of the Treasury?

18 A I do.

19 Q Who is that today?

20 A I apologize for the delay. His name is
21 Frank Newman. He's indicated his intention to leave,
22 and that's why I blinked for just a moment.

10

1 Otherwise I'll be unemployed.

2 Q One of the great things about the record is
3 it doesn't reflect the passage of time. And
4 Mr. Newman, I take it, reports to the Secretary of
5 the Treasury?

6 A That's correct.

7 Q Focusing now -- is it your recollection
8 that Mr. Foster died on July 20, 1993?

9 A My recollection has been refreshed. I read
10 a draft memo prepared by someone on the question of
11 Vince Foster's death and it said July 20th, so that
12 refreshes my recollection.

13 Q When do you recall that your recollection
14 was refreshed or when did you read that memo?

15 A Yesterday afternoon at some point.

16 Q Was this in a meeting with your counsel?

17 A Yes.

18 Q I suppose I should have asked you whether
19 anyone else was present during that meeting?

20 A No.

21 Q And have you been contacted, Mr. Noble, by
22 any attorneys for the White House or anyone on the

1 White House staff in connection with this deposition?

2 A No, I have not.

3 Q I will represent to you that your refreshed
4 recollection is correct, that's the day that
5 Mr. Foster indeed did die. And I want to just -- let
6 me just state up front this is really not a memory
7 test in any sense, but I do want to get your
8 recollections of activities as they may have been
9 reported to you on that day.

10 A Sure.

11 Q If you think there's anything that would
12 refresh that recollection or assist you in any way,
13 feel free to say so, but let's try it first just on a
14 cold memory and see if we draw any blanks.

15 A Sure.

16 Q When do you first remember hearing on July
17 20th, if you did, that Mr. Foster's body had been
18 found?

19 A I know that I heard in the evening on the
20 same evening that he was killed -- committed suicide
21 that his body had been found in a park. And I don't
22 have a clear or even foggy recollection of who told

1 me, but knowing how the reporting system functioned
2 at that time, there was a liaison for the
3 Secret Service. Her name was Barbara Riggs.

4 Each of my bureaus has a liaison attached
5 to the office of enforcement. In the ordinary course
6 of business, something of that magnitude once the
7 Secret Service would have been informed, the liaison
8 for Treasury enforcement would have been informed and
9 she, in the ordinary course of business, would have
10 called me. I don't recall a conversation with her,
11 but that's the general sense I have of what would
12 have happened.

13 Q In the absence of a specific recollection,
14 your assumption is it would have happened in that
15 way?

16 A Correct.

17 Q Even though you don't recall specifically
18 speaking with her, do you have any recollection of
19 what time of day you may have been notified?

20 A It was dark.

21 Q Were you at your home?

22 A I'd say I was in the office.

1 Q So perhaps at the risk of stating the
2 obvious, July being a summer month, you would guess
3 sometime after 8:30 in the evening?

4 A Yes.

5 Q After this initial conversation with
6 perhaps Ms. Riggs or someone --

7 A Someone from the Secret Service called me.

8 Q What do you next recall about the evening
9 of July 20th?

10 A I recall at some point following the phone
11 call, probably fairly quickly, I would have
12 contacted -- did contact my chief of staff who at the
13 time was a gentleman named Stanley Morris who used to
14 be the director of the U.S. Marshal Service and the
15 deputy drug czar in previous administrations. That
16 is, in terms of recollection about people who
17 contacted me or whom I contacted on that evening,
18 those are the only people I recall.

19 I can't imagine not having talked to
20 someone above the chain, either the deputy secretary
21 or the Secretary. I just have no specific
22 recollection. I can't imagine not having called both

1 the Secretary and the deputy secretary and special
2 assistants or chief of staffs. I would have reported
3 to make sure everyone knew this important event.

4 Q You suspect that you did, but you don't
5 specifically recall?

6 A I know that when I say I, I'll say I or
7 someone in my office would have reported something so
8 significant or extraordinary. I just don't have a
9 recollection of that.

10 Q What was your purpose in contacting
11 Mr. Morris, if you recall?

12 A Well, he was my chief of staff. He's a
13 senior career civil servant. It was an important
14 occurrence and just to talk about this had happened,
15 and it happened on that evening. Beyond that, there
16 is no job related reason, other than he is my chief
17 of staff and to advise him that I can recall
18 contacting him.

19 Q And I assume, Mr. Noble, that sometime
20 after 8:30 on the evening of July 20th you were also
21 informed that Mr. Foster's death appeared to be a
22 suicide at that time; is that correct?

1 A It might have even been at the time I --
2 the short answer is yes, that's correct, at some
3 point in evening, when I first found out or later, I
4 was told it was a suicide, and I was never told
5 people had reason to believe it was anything other
6 than a suicide.

7 Q Your assumption throughout the evening,
8 tragically, Mr. Foster had killed himself?

9 A Exactly.

10 Q Do you remember whether or not you spoke
11 with Director Magaw on the evening of the 20th?

12 A I don't believe I spoke to him, but I do
13 not have a specific recollection one way or the
14 other.

15 Q Just so I'll be clear on my record, you
16 don't recall speaking with any Secret Service
17 employee at all, other than perhaps in the initial
18 phone call; is that correct?

19 A Right. If I spoke to a Secret Service
20 employee, it would have been the liaison, Barbara
21 Riggs, I mentioned. I would have gotten the
22 information either through her or possibly, if she

1 couldn't reach me, a staff member.

2 Q In your various telephone calls, which I
3 understand well that you're not clear exactly how
4 many there were and with whom, understandably it was
5 two years ago. Do you recall whether or not the
6 topic of securing Mr. Foster's office or otherwise
7 taking any extra security precautions with respect to
8 the White House came up?

9 A That didn't come up until the following day
10 during a conversation with John Magaw.

11 Q Obviously I want to talk about that, but
12 let me just ask you on the evening of the 20th, even
13 though you didn't discuss it with anyone, whether the
14 thought entered your mind that there should be any
15 increased security in or around Mr. Foster's office
16 or the White House counsel's suite?

17 A It did not enter my mind.

18 Q Before I leave the evening of the 20th, let
19 me just ask you whether there's anything in your
20 recollection that relates at all to Mr. Foster's
21 death or anything surrounding Mr. Foster's death that
22 we haven't talked about. We've talked about a number

1 of phone calls. Did anything else happen?

2 A I will use the word "evening" liberally to
3 include the early morning hours.

4 Q Thank you. That's an important
5 clarification. Let's include until the beginning of
6 business the next morning.

7 A And I am not clear whether this happened on
8 the 20th or some evening during that summer, but I'd
9 like to consider myself a very close friend of Maggie
10 Williams. And I recall seeing her at her apartment
11 at 2:00 or 2:30 in the morning some morning during
12 that summer when she was very emotional about what
13 had happened to Vince Foster.

14 MR. MC NAMARA: Can we go off the record
15 for just a moment?

16 MR. JOHNSON: Sure.

17 (Discussion off the record.)

18 BY MR. JOHNSON:

19 Q And Mr. Noble, is it possible that that
20 could have been as early as 2:30 in the morning on
21 the 21st of July?

22 A That would have been the earliest. It

1 could have been.

2 Q And I take it your recollection is fuzzy.
3 It could have been a day or two later than that as
4 well?

5 A It actually could have been weeks or a
6 month or months later.

7 Q And the reason you think it may have been
8 closer in time is that Ms. Williams was quite
9 emotional about the death, so you're assuming it in
10 proximity to that?

11 A No, I'm trying to give you the earliest
12 possible starting point because I know it had to do
13 with Vince Foster's suicide.

14 Q Let me show you a document that may or may
15 not assist. Let me just state for the record that it
16 bears document production number Z000873, and it
17 appears to be a telephone call memorandum or slip.
18 In particular, Mr. Noble, let me show you the second
19 of two on that page, and it's to Maggie. One of my
20 questions is whether or not that's Maggie Williams.
21 It appears to bear the date of 7/21/93 and the
22 annotation midnight and the name Ron Noble appears on

1 it. First of all, let me ask you, does the telephone
2 number -- I won't state it in the record -- but does
3 the telephone number that appears there --

4 A I'm trying to figure out whose telephone
5 number that is.

6 Q That's my question.

7 A I have moved once since being here, and my
8 new number is so easy to remember.

9 Q And it's not that.

10 A It's not that. I don't know, but I could
11 easily find that out and report back to you, however
12 you wish, but right now it doesn't jog my memory.

13 Q It is not your office telephone?

14 A It is not my office telephone number.

15 Q And if you -- perhaps your counsel would be
16 so kind as to let us know what it is?

17 MR. MC NAMARA: Sure.

18 BY MR. JOHNSON:

19 Q Is it your assumption without knowing more,
20 that that is perhaps your old telephone number, or
21 you just don't know?

22 A I'm embarrassed not to even be able to

20

1 remember, based on your showing me, what my old
2 telephone number was, but I simply do not recall.

3 Q The date of this is 7/21/93 and the time is
4 written midnight. I'll confess to you that's
5 ambiguous whether that means -- whether midnight is
6 the first minute of the 21st or the last minute of
7 the 20th, but does this refresh your recollection at
8 all about placing a phone call to --

9 MR. BEN-VENISTE: For purposes of
10 clarification, there's some notation before midnight,
11 and I can't make it out.

12 MR. JOHNSON: There is, Richard, and it
13 appeared to me that somebody started to write
14 something and scratched it out, but that's a lawyer's
15 guess.

16 THE WITNESS: It's consistent with my
17 recollection that the conversation could have
18 happened that early or it could have been later.

19 BY MR. JOHNSON:

20 Q Let me ask you about the nature of the
21 conversation. Was anyone else present during the
22 conversation?

1 A No.

2 Q During the course of that conversation --
3 strike that, Julie.

4 To the best of your recollection, was that
5 your first conversation with Ms. Williams on the
6 topic of Mr. Foster's death?

7 A To the best of my recollection, yes.

8 Q During that conversation, was there at any
9 time any discussion of Mr. Foster's office or the
10 contents of Mr. Foster's office?

11 A Absolutely not.

12 Q To the best of your recollection, did
13 Ms. Williams state to you one way or the other
14 whether or not she had been in Mr. Foster's office on
15 the evening of Mr. Foster's death?

16 A There was no substantive conversation about
17 the office, so the answer is no, sir.

18 Q And I anticipate that your general answer
19 will also be consistent with the specific answers,
20 but forgive me for being specific.

21 A No, sure. Please.

22 Q Did Ms. Williams represent to you in that

1 conversation that she had not been in Mr. Foster's
2 office on that evening?

3 A There was no conversation about the office,
4 so the answer -- I can't answer.

5 Q And I take it that in that conversation,
6 therefore, there was no discussion about whether or
7 not she had been in Mr. Foster's office?

8 A Correct.

9 Q And would all of the same answers apply if
10 I broadened the question to apply to the White House
11 counsel's suite, not just Mr. Foster's office?

12 A Absolutely.

13 Q No discussion of that at all?

14 A Correct.

15 Q Did Ms. Williams say whether or not she had
16 been in the White House on the evening of the 20th?

17 A I don't recall -- I have a recollection
18 about her commenting on when she had seen him last or
19 that she had just seen him last, but I don't know
20 whether that was the evening or day. I just remember
21 a bit of the conversation and lamenting his
22 misfortune. She said I can't believe it. I just saw

1 him or we were together or we were working on
2 projects, whatever, just that general conversation,
3 but nothing with regard to the office, the suite or
4 anything along the lines which I believe you're
5 probing.

6 Q But in my last question, I just wanted to
7 broaden it a little bit and see whether or not, even
8 though it's clear you didn't discuss with
9 Ms. Williams whether or not she was in the White
10 House counsel's suite, the last question really went
11 to whether or not you ever discussed with her the
12 possibility that she was in the White House at all
13 after Mr. Foster's death on the evening of the 20th.

14 A You added two words -- three words "after
15 Mr. Foster's death," which in the previous question I
16 didn't hear.

17 Q Because they weren't there, that's right.

18 A The answer is no.

19 Q In the course of the ordinary business day,
20 obviously Ms. Williams was there, to the best of your
21 knowledge?

22 A Right.

1 Q You have no information at all about her
2 being there after Mr. Foster's death?

3 A No information separate from what I've read
4 about in this matter and various newspapers or what I
5 might have seen on various proceedings, but no
6 knowledge independent of the media generated
7 knowledge.

8 Q Let me ask it in an effort to refresh, if
9 it's useful for you to refer back to the document
10 we've been looking at, which is Z000873, again, the
11 telephone slip. It bears the initials at the bottom
12 AG. Do you have any understanding of who AG is?

13 A In a different context, I would say the
14 AG --

15 Q I assume it wasn't that?

16 A Not in this context. I have no idea who AG
17 is.

18 Q Do you know Ms. Williams's secretary's
19 name?

20 A I didn't know she had one secretary. I
21 thought they sort of had a suite with a number of
22 people who come and go, volunteers and so forth, so I

1 do not know her secretary's name.

2 Q Do you know whether or not this phone call
3 would have been placed to Ms. Williams at the White
4 House?

5 A Pure deductive reasoning. I can't imagine
6 her having a slip like this at home and I wouldn't
7 call her any other place other than her home or the
8 White House so based on that, yes.

9 Q Let me try and do something unusual for a
10 minute. Let's be efficient and not confine my
11 questions -- I'm going to ask you some of the same
12 questions, but without any particular reference in
13 time. The reference in time for purposes of these
14 questions would be from the time of Mr. Foster's
15 death on the evening of July 20th up to and including
16 this moment. Other than newspaper reports, do you,
17 Mr. Noble, have any information from whatever source,
18 other than newspaper reports about whether or not
19 anyone entered Mr. Foster's office on the evening of
20 his death?

21 A Separate and apart from media reports, do I
22 have any information? I would say the answer to that

1 is no with one possible exception. That the logs --
2 there were some logs that were kept by uniformed
3 division personnel at some point. And I don't know
4 whether they would have been shown to me well, well
5 after the event in question when we were asked to
6 generate documents in response to a subpoena or some
7 sort of Congressional request. But separate and
8 apart from that, I would have no source of
9 information about that one way or the other.

10 Q Let me show you a document which has been
11 previously marked with document production numbers
12 6231 through 6233, which for the record, bears the
13 legend "Chronology of Events Regarding the Suicide of
14 Mr. Vincent Foster, Deputy Chief White House Legal
15 Counsel."

16 Do you know whether this is the log that
17 you were just referring to? And you can read as much
18 of it as you'd like, Mr. Noble, but on the last page
19 there's a handwritten document.

20 A This document looks familiar to me and I
21 believe it was shown to me in connection with the
22 document production request of one of the committees

1 last year. But at the time the actual log was being
2 kept and so forth, I wasn't aware there was a log
3 being kept, so it was shown to me just in the context
4 of documents we had turned over or were going to turn
5 over.

6 Q To the best of your recollection today,
7 that was the first time you ever saw this document or
8 a similar document?

9 A Absolutely.

10 Q And other than that log, which I think
11 we've just been referring to as Exhibit 6231 and
12 6233, do you have any other information from any
13 source whatever relating to the topic of whether or
14 not anyone entered Mr. Foster's office or the White
15 House counsel's suite on the evening of the 20th?

16 A I do not.

17 Q And if I'm a little more careful and
18 broaden that question to include any time on the 20th
19 before the opening of business on the 21st, would we
20 have the same answer?

21 A Same answer, yes, sir.

22 Q Forgive me for being cautious. You've

1 never spoken with Mr. Nussbaum on this topic, I take
2 it?

3 A I have never talked to Mr. Nussbaum about
4 this topic. I know that at one point I was inspired
5 to write an op/ed piece and I know I faxed that to
6 Mr. Nussbaum's office and spoke to a secretary or a
7 staff assistant, a colleague of his to let him know
8 of that. But I do not believe -- I've never had a
9 substantive conversation or any kind of conversation
10 with Bernie Nussbaum about the Vince Foster death or
11 anything related thereto.

12 Q And you've never spoken with Ms. Thomasson
13 on this topic from any time from July 20th up to and
14 including today, the topic being Mr. Foster's
15 death --

16 A Ms. Thomasson?

17 Q Patsy Thomasson.

18 A I don't think I even know her. I probably
19 know her, but don't know her.

20 Q Do you happen to know a White House
21 employee by the name of Evelyn Lieberman?

22 A Yes, I do.

1 Q Who is Ms. Lieberman?

2 A She is a staff assistant or the staff
3 assistant -- was the staff assistant for Maggie
4 Williams prior to moving to public affairs over at
5 the White House. And when I say "staff assistant," I
6 say that respectfully, staff assistant, whatever the
7 title is for someone who's another right arm or left
8 arm or both arms.

9 Q Including secretarial duties or not
10 including secretarial duties?

11 A Probably in most of our offices, we don't
12 draw those lines. I would say that Evelyn, like my
13 chief of staff, will do anything that was necessary,
14 even things that are ordinarily associated with
15 secretaries.

16 Q Have you ever spoken with Ms. Lieberman at
17 any time from Mr. Foster's death up to and including
18 today on the topic of whether or not she or anyone
19 else entered the White House counsel's suite that
20 evening?

21 A I've never had any conversation with Evelyn
22 Lieberman about Vince Foster's suicide or anything in

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1 connection with her activities or anyone else's
2 activities in connection with Vince Foster's death.

3 Q I realize this has been tedious and I
4 apologize.

5 A No, just ask the questions and I'll answer
6 them.

7 Q On the morning of the 21st, what's the next
8 thing, that being the day after Mr. Foster's suicide,
9 what's the next thing you recall participating in
10 connection with Mr. Foster's death?

11 A I believe I received a phone call from
12 Secret Service Director John Magaw wherein he raised
13 a question of facilitating/controlling access to
14 Vince Foster's office. I don't know whether that is
15 the office proper or the suite, but let's call it
16 Vince Foster's office. He suggested that we could
17 post a Secret Service division -- Secret Service
18 uniformed division officer outside the office in
19 order to assist White House counsel Bernie Nussbaum
20 and anyone else regulating or controlling the flow of
21 people to and from the office.

22 Q What was Mr. Magaw's purpose in calling

1 you? Was it informational or to seek your permission
2 or some other purpose?

3 A I think it was to get an okay from me to do
4 this.

5 Q Did he state why it may be important to do
6 this? Did he offer any reasons for the additional
7 security?

8 A I had a recollection that he had had a
9 conversation with Bernie Nussbaum about this, and
10 that he and Bernie had talked about it and it sounded
11 like a good idea so that to assist Bernie Nussbaum in
12 the White House counsel's office, he was going to
13 provide the service. It was in that context that we
14 discussed it.

15 Q And you, in fact, approved it?

16 A I approved it.

17 Q Was there any discussion at that time about
18 what, if anything, had occurred in the office the
19 prior evening?

20 A No discussion.

21 Q And was there any discussion about whether
22 or not the office should have been or could have been

1 secured in the prior evening?

2 A No discussion about whether it should have
3 been. It obviously could have been, but no
4 discussion about either should have been or could
5 have been.

6 Q As a matter of sort of ordinary
7 Secret Service protocol, if a member of the Park
8 Police had requested early in the evening on the 20th
9 that Mr. Foster's office be secured, how, to the best
10 of your understanding -- and I realize the question
11 and hypothetical as it relates to you -- how would
12 that request have been treated?

13 A There would probably be at least a
14 two-prong approach, let's say with my involvement as
15 one of the prongs. John Magaw and whoever was
16 requested at the time would have asked me my view on
17 it, and I would have asked for the reason for
18 securing it and asked for the person's opinion of
19 what they believe ought to occur. And if they
20 believed that it ought to occur, at that point, I
21 would ask them to contact the appropriate person in
22 the White House, either the White House counsel or

1 the chief of staff, let them know about the request,
2 get their sense of what they would like us to do in
3 responding to the request and based on that, make the
4 appropriate decision and put it into effect.

5 Q To the best of your knowledge, that didn't
6 happen, the process that you described?

7 A I was not aware of any request by the Park
8 Police of asking the Secret Service to have any
9 office secured.

10 Q Have you subsequently become aware of any
11 requests, or as we sit here today, you still have no
12 personal knowledge of whether or not a request was
13 made?

14 A No personal knowledge. I read about the
15 Park Police's comment that -- no, actually, I don't
16 even know that I read that there was any request to
17 close the office the night before or secure it by the
18 Park Police. I don't have any knowledge of that at
19 all.

20 Q You're not hearing that for the first time
21 today, that somewhere through some vague source of
22 information you've heard that or maybe I'm wrong.

1 Maybe this is the first time you've heard it.

2 A I knew based on any source of information
3 that the Park Police stated publicly they were upset
4 that they couldn't search the office without White
5 House counsel being present, but I never knew that
6 they had contacted the Secret Service before to ask
7 the Secret Service to secure the office and not allow
8 anyone, the White House counsel or any other White
9 House component, to have access to it.

10 Q If my question implied that, then I've
11 misled you a little bit. Let me ask you whether or
12 not you've ever heard that any request was made on
13 the evening of the 20th by a Park Police officer to
14 the Secret Service or to any other person including
15 members of the White House staff that Mr. Foster's
16 office be secured. Have you heard anything like
17 that?

18 A I have not.

19 Q The morning of the 21st, you spoke with
20 Mr. Magaw about a request to post a guard outside
21 Mr. Foster's office; is that correct?

22 A That's correct.

1 Q Did you have any other involvement on that
2 day in connection with the securing of Mr. Foster's
3 office?

4 A I had no involvement, other than to approve
5 from a policy perspective the operational request of
6 the bureau head. No other involvement and how it's
7 done, who would do it, what the procedures would be
8 with regard to its implementation.

9 Q You didn't give any specific direction
10 about what the ingress and egress procedures into
11 Mr. Foster's office would be?

12 A Absolutely not.

13 Q That wouldn't be your job to do that?

14 A Absolutely not.

15 Q Later in the day, a lock was placed on
16 Mr. Foster's office. Did you have any involvement in
17 that decision?

18 A I did.

19 Q What do you recall about that?

20 A Same procedure. I got a call from Director
21 Magaw. He raised the issue of efficiency, and I'm
22 not absolutely clear on this, but perhaps a search

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1 had already been conducted or they had made
2 arrangements for how a search would be conducted so
3 they could now safely secure the office, give the key
4 to Mr. Nussbaum or someone in the White House
5 counsel's office but there's no reason for us to have
6 a human being sitting outside the door to control or
7 facilitate access. And so I approved the shift from
8 a human being to a locking mechanism and key being
9 provided to someone in the White House counsel's
10 office.

11 Q It was your understanding that the key
12 would be provided to someone in the counsel's office
13 or someone in the Secret Service or do you not
14 recall?

15 A I believe in order for us not to have a
16 person there, it would have been provided to someone
17 in the White House other than the Secret Service to
18 control access to and from. That is my
19 understanding. That's still my understanding.

20 Q A name doesn't come to mind?

21 A No.

22 Q And I think you said that it was your

1 understanding that a search had been conducted or
2 arrangements for a search had been made. Do you have
3 any idea one way or the other about what you thought
4 at that time?

5 A No, just chain circumstances. There were
6 chain circumstances of some sort to make the need for
7 a person being there. As I think about it and talk
8 through it, perhaps they had during the time we had a
9 human being there, made provisions or arrangements
10 for whatever locking mechanism needed to be placed on
11 the door to be placed on the door by the technical
12 securities division of the Secret Service and that
13 had now been put into place. So there was a chain
14 circumstance so I have no recollection now of what
15 that chain circumstance was other than the
16 theoretical possibilities.

17 Q Did you have any further involvement on the
18 21st with Mr. Foster's death or the investigation
19 thereof?

20 A No, I did not.

21 Q Now, you testified a moment ago that you
22 had since come to learn because the Park Police had

1 publicly stated it, that they were frustrated --
2 there's no magic in these words, tell me if I've got
3 it wrong -- that they were frustrated about not being
4 able to get in and review Mr. Foster's office. Did
5 you hear anything to that effect on the 21st of July
6 1993?

7 A No. I read about this or heard it through
8 some media source. But in a real time sense, I had
9 no knowledge that there was any kind of tension or
10 frustration at the time these events were --

11 Q You learned that sometime later?

12 A Whenever it was reported in the media,
13 either by reading it or by television. I learned
14 about the tension or frustration being felt by the
15 Park Police.

16 Q And I take it, Mr. Noble, that you did not
17 direct any investigation or inquiry into that,
18 whenever you first may have heard it?

19 A Just the contrary. I believe that I
20 couldn't understand why there would be any
21 frustration. I teach evidence when I'm not in
22 Washington. I couldn't understand why the Park

1 Police believed -- this was the basis for my op/ed
2 piece, why they believed they had the right to do
3 anything other than request for White House counsel
4 or someone in the White House to permit them to
5 search the office out of the goodness of the White
6 House's heart or White House counsel's heart. So I
7 thought it was interesting for them to be upset about
8 something I thought they had no legal right to have.

9 Q Did you understand them to be complaining
10 about a denial of their legal rights?

11 A I thought they were complaining there was
12 someone accompanying them during their search, that
13 there was a lawyer there during the time of their
14 search, and that they somehow believed that this was
15 not appropriate or didn't allow them to do what they
16 believe they should have been able to do however they
17 believe they should have been able to do it.

18 Q I apologize for that diversion. That took
19 us out of the chronology. Anything else you recall
20 about the day of the 21st involving Mr. Foster's
21 office?

22 A No, the last recollection I have is about

1 the key and the lock being placed on the door.

2 Q What, if any, involvement did you have in
3 the events relating to Mr. Foster's office or the
4 investigation into Mr. Foster's death on the 22nd?

5 A I have no recollection that I had any
6 involvement whatsoever.

7 Q And the search that we have been referring
8 to, we have come to believe may have taken place in
9 the early afternoon of the 22nd in Mr. Foster's
10 office. Do you have any knowledge at all about the
11 circumstances of that search?

12 A I will answer this like I have the others.
13 Separate and apart from media sources, I have no
14 knowledge about the search.

15 Q And it turns out that a couple of
16 Secret Service agents were physically present during
17 the search. I take it you have not spoken with
18 either of them?

19 A I have not.

20 Q Mr. Noble, going forward -- and don't let
21 me leave the 22nd, if there's anything else I should
22 have covered about the 22nd. Have we covered the

1 22nd?

2 A We have, sir.

3 Q Do you think you learned on the 22nd that
4 the search took place?

5 A I would rely on the organization skills of
6 John Magaw and say if the Secret Service assisted in
7 facilitating the search, he probably told me that day
8 or the next day that that had happened.

9 Q The reason I ask that is we have come to
10 believe that the Secret Service did not secure the
11 office further after that search, that is to say that
12 the lock that was placed --

13 A I would have been told that in the ordinary
14 course of business, though I have no specific
15 recollection.

16 Q Now, jumping forward in time, what, if any,
17 involvement after the 22nd of July 1993 did you have
18 in connection with Mr. Foster's death, the
19 investigation into his death or the handling of the
20 documents in his office?

21 A I don't believe I had any involvement in
22 the investigation of Mr. Foster's death or the

1 handling of documents.

2 Q Now, it's been reported in the press that
3 certain documents may have been -- don't hear any
4 inferences in my questions -- may have been placed in
5 the White House residence that may at some time or
6 another have been in Mr. Foster's office. Do you
7 know anything at all about that?

8 A I have no personal knowledge. Everything I
9 know I've gotten from either a newspaper or from some
10 media source about the various allegations or factual
11 representations about what happened with regard to
12 certain documents.

13 Q I know your answer to this question, but I
14 take it you've never discussed that topic with
15 Ms. Williams?

16 A Absolutely not.

17 Q Have you deliberately steered clear of that
18 topic for obvious reasons in your various
19 conversations with her?

20 A She probably has very good legal advice and
21 is following it.

22 Q It's been reported in the press that a

1 Secret Service officer may have seen an individual by
2 the name of Craig Livingstone, whose name has
3 appeared publicly, moving documents in the west wing
4 of the White House on the morning of the 21st. And
5 I've tried to deliberately state that as neutrally as
6 I possibly can because the observation that I've seen
7 in the press is that Mr. Livingstone was there and
8 that someone perhaps in his company was carrying a
9 box of documents?

10 MR. BEN-VENISTE: Can I make a suggestion?
11 That may not be the most neutral way of describing
12 what that officer said. I think it would be fair to
13 say that he saw Mr. Livingstone carrying a briefcase
14 on the morning --

15 MR. JOHNSON: You're right. Why don't we
16 state it completely.

17 THE WITNESS: I have no knowledge of this
18 at all.

19 BY MR. JOHNSON:

20 Q You haven't even read that in the press?

21 A I've definitely read in the press this
22 whole question, but I'm saying separate and apart

1 from reading it in the press or seeing it on TV, I
2 have no personal knowledge about the subject matter
3 that you're referring to.

4 Q That's fine. I thought you were going to
5 say that. Let me see if Richard and I can get the
6 thing stated neutrally and I have a couple quick
7 questions about it. It's possible -- the press has
8 reported that a Secret Service officer observed
9 Mr. Livingstone on the morning of the 21st carrying a
10 briefcase and another individual who may or may not
11 have been accompanying Mr. Livingstone carrying a box
12 or boxes, the contents of which he is not certain
13 about. Have you seen that reported in the press, or
14 words to that effect reported in the press?

15 A Is this a box or briefcase or does it
16 matter since I don't have any information about it?

17 Q In my hypothetical, Mr. Livingstone is
18 carrying a briefcase.

19 A I've seen reports in the press about
20 Mr. Livingstone and his activities, but beyond seeing
21 it in some story, I have no personal knowledge, nor
22 have I talked to anyone about that issue.

1 Q And my only question about that event is
2 whether or not you or, to your knowledge, anyone
3 directed any Secret Service inquiry into that
4 observation by a Secret Service officer?

5 A Absolutely not.

6 Q Do you today know the identity of the
7 Secret Service officer?

8 A I do not.

9 Q Similarly -- let me just ask this more
10 generally. There have been a number of other press
11 reports about activities in the White House on the
12 evening of the 20th, which I think you testified
13 earlier you may have seen. Did you ever direct or to
14 the best of your knowledge, did anyone ever direct
15 any investigation into any Secret Service activity or
16 observations in the White House on the evening of the
17 20th?

18 A No.

19 Q So there just isn't any source of
20 information at the Secret Service beyond what -- to
21 your knowledge, beyond what the press may have
22 reported, no investigative reports or interviews or

1 things like that?

2 A I can only tell you that there was no
3 investigation that I'm aware of by the Secret Service
4 into any of these events, and I did not direct that
5 such an investigation occur.

6 Q Let me show you, Mr. Noble, a different
7 document. I'll state for the record that it bears
8 document production numbers 6243 and 6244 and for the
9 record, appears to be a memorandum to Lloyd Bentsen,
10 Secretary of the Treasury from Ronald Noble on the
11 subject of Vincent Foster's suicide investigation.
12 My first question is the obvious one, and that is
13 have you ever seen this document before?

14 A I saw this yesterday when I was being
15 prepared for this by my lawyer, Robert McNamara. I
16 don't recall seeing this document before yesterday.
17 I can tell you by looking at the typeset and so forth
18 and by the fact that it's from Ronald, with no middle
19 initial, Noble, which is a pet peeve of mine, it
20 wasn't generated by my front office. It probably was
21 generated by the Secret Service.

22 Q You don't know today whether or not you

1 would have seen it at or about the time of its
2 preparation?

3 A I don't know today whether I would have
4 seen it at the time of its preparation, that's
5 correct.

6 Q Would it be unusual in your practice at the
7 Treasury Department for a memorandum to go to the
8 Secretary bearing your name which you had not seen?

9 A It would be unusual for a memorandum going
10 from my office to the Secretary with my name on it
11 without me or someone acting in my capacity having
12 seen it and signed off on it, yes.

13 Q So other than that sort of general
14 description of practice and policies, you don't have
15 any specific recollection of ever having seen this
16 before it went to Secretary Bentsen?

17 A A memo like this would have never gone to
18 Secretary Bentsen without my knowledge or anyone in
19 my office's knowledge.

20 Q So based on that, your best guess today is
21 that maybe you didn't see this before it went out?

22 A Not only that I didn't see it, that my

1 office didn't see it, if it went to Secretary
2 Bentsen's office, before it went to Secretary
3 Bentsen's office.

4 Q Do you know today who prepared this?

5 A I do not.

6 Q And you don't -- I don't mean to belabor
7 this, but I just want to be clear that you don't have
8 any information to offer about the contents of the
9 memorandum?

10 A I do not.

11 Q There wouldn't be any point of my asking
12 what the basis is because you don't --

13 A My business practice is generated by the
14 Secret Service and it would have been Secret Service
15 offering information. That's all, but this is not an
16 office of enforcement generated memo, I can tell you
17 with pretty good confidence.

18 Q Do you have an opinion today about how it
19 is that a memorandum got generated under your name to
20 the Secretary about which you apparently had no
21 knowledge?

22 A Did this get to the Secretary?

1 Q I don't know the answer to that.

2 A A document like this could be prepared and
3 documents like this are prepared where the bureaus
4 want to give me facts in order for me to generate a
5 memo to the Secretary of the Treasury or to the
6 deputy secretary of the Treasury or for any other
7 purpose. July 1 had only been in office a couple of
8 months and by July, we didn't have procedures in
9 place where people knew precisely how I wanted
10 documents or what I expected from them.

11 So if this document was generated, it would
12 have been to give me facts in order for me to do a
13 memo to the Secretary or deputy secretary giving them
14 facts about an item -- a newspaper item within their
15 jurisdictional responsibility and that's how a
16 document like this could have gotten generated. What
17 would happen is this document would be given to my
18 staff. Now we're to the point of refinement where it
19 would come with a disk and we would generate our own
20 memo.

21 Q So at this point in time, even for your
22 convenience, it might have been prepared in this

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1 format in case you wanted to send it off to the
2 Secretary?

3 A It wouldn't -- it doesn't have my
4 letterhead or the assistant secretary's letterhead.
5 Therefore, this is nothing more in my view than a
6 draft document, which would have been retyped because
7 we don't use this type setting. I also believe -- I
8 may be wrong on this -- but the formatting of this is
9 not consistent with what Secretary Bentsen demanded
10 so assuming I wanted to keep my job at the time, I
11 don't think it would have gone there with my
12 approval.

13 Q And your best recollection today is that
14 you don't -- notwithstanding all of that, however it
15 may have been prepared, you don't remember ever
16 seeing it?

17 A With the exception of before yesterday?

18 Q Exactly.

19 A Yes, that's correct.

20 Q Your counsel showed it to you yesterday?

21 A That's correct.

22 (Pause.)

1 BY MR. JOHNSON:

2 Q One of the things, Mr. Noble, that you said
3 earlier was that you were surprised that the Park
4 Police publicly complained about their being
5 accompanied during the search of Mr. Foster's
6 office. Did I state that more or less correctly?

7 A I was surprised that they believed they had
8 a basis for complaining about being accompanied by
9 Mr. Nussbaum or anyone else from the White House
10 counsel's office. Since they were receiving a lot of
11 criticism or had received criticism, the fact that
12 people complained about A, B or C does not surprise
13 me.

14 Q Was it your impression that the Park Police
15 or FBI or other investigators had reviewed the
16 documents in Mr. Nussbaum's office on the 22nd of
17 July?

18 A Based on what I read or saw on TV, I
19 believed that they were accompanied during a search
20 by White House counsel, and they were permitted to
21 see what they wanted to see. That's my impression.

22 Q But your impression, just to be clear about

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1 it, your impression is that the investigators
2 themselves saw the documents, whether or not they
3 were accompanied by White House counsel. Your
4 impression is that they were allowed to review
5 documents?

6 MR. BEN-VENISTE: I thought he just said
7 that they saw what they wanted to see, which may be
8 different than the question, Kip.

9 BY MR. JOHNSON:

10 Q I'm just asking about your impression.

11 A All I believe based on what they read, they
12 were probably looking for some kind of suicide note,
13 some reason to explain why he killed himself. So if
14 they saw a document that said I'm killing myself
15 because of A, B, C or D or something that gave that
16 impression, that's what they were looking for, is my
17 impression.

18 Q I guess I haven't been clear. Was it your
19 impression they were frustrated because they were
20 simply accompanied by counsel or was it your
21 impression they were frustrated because they weren't
22 allowed to see everything they wanted to see or you

1 didn't have an impression one way or the other?

2 A Purely speculating. I think they were
3 frustrated because they didn't have an opportunity to
4 just go through an office the way agents might go
5 through an office if they were conducting a search
6 warrant where the agents are in control of the
7 process as opposed to having someone invite you into
8 their home or office and say what is it you want to
9 look for, I'm going to accompany you or help you in
10 any way I can. I didn't give that a lot of thought.
11 I was concerned about the underlying substantive
12 reason why they were upset as opposed to the
13 procedural aspect of it.

14 Q Would it have made a difference which of
15 those two things it may have been in terms of your
16 opinion about it?

17 A I really believed that they should have
18 been happy that they were permitted to go into the
19 office and that because of attorney-client privilege,
20 executive privilege, whole host of presidential,
21 Executive Branch-related issues, that they should
22 have expected that the examination of something other

1 than a crime scene -- because remember, there's no
2 crime scene here -- would have been something that
3 would have been closely scrutinized as opposed to not
4 closely scrutinized. That's my sort of overall two
5 cents worth on it.

6 Q I may have asked this. Why did you think
7 it was appropriate to post security outside of
8 Mr. Foster's office on the 21st?

9 A If I recall, John Magaw had had a
10 conversation with Bernie Nussbaum about people coming
11 to the location where they probably had interacted
12 with Vince Foster and just looking like this is the
13 office of the guy who just submitted suicide and that
14 my impression was having a Secret Service officer
15 there would add a certain formality or orderliness to
16 it.

17 Again, since I wasn't thinking about the
18 log -- I didn't know there was a log, I wasn't
19 expecting or thinking about anything other than the
20 orderliness that would occur with a uniformed
21 division officer there.

22 Q Was there any sense in your mind that it

1 was appropriate to maintain the integrity of the
2 contents of that office?

3 A In my mind, it was clearly a determination
4 to be made by White House counsel and/or the chief of
5 staff's office how they wanted to handle the office
6 of someone who had died and that they would make
7 whatever determinations that they believed were
8 appropriate.

9 Q And the topic of maintaining the integrity
10 of the office didn't come up in any of your
11 conversations?

12 A Absolutely not. The integrity of the
13 office, separate and apart from what Bernie Nussbaum
14 or the chief of staff wanted to happen? I just see
15 us sort of assisting or helping them out but not in
16 any formal sense as I would think about maintaining
17 integrity of a crime scene.

18 Q I think I understand this. Let me just be
19 clear. In your conversations with Mr. Magaw, you
20 didn't have the understanding that the purpose of the
21 Secret Service posting was to prevent and/or document
22 the removal of documents from the office?

1 A Absolutely not.

2 Q So as you understood it, in your
3 conversations with Director Magaw, if Mr. Nussbaum or
4 someone designated by the White House counsel wanted
5 to go into that office and review documents or remove
6 documents, that would not have been inconsistent with
7 your notion of why the Secret Service was there?

8 A Correct.

9 Q Now, you have since learned, I take it,
10 that a log was maintained?

11 A You showed me the document earlier, yes.

12 Q And when you first learned that, were you
13 surprised by that?

14 A I was surprised that I hadn't thought about
15 it and therefore, I guess I was surprised that a log
16 was kept, and I thought on reflections, probably a
17 good idea.

18 Q Why?

19 A Pardon me?

20 Q Why.

21 A Because people were asked who went in and
22 two years after don't have to struggle the same way

1 I'm struggling. They can simply look at a piece of
2 paper.

3 Q It's a document that records whether or not
4 anything was removed from or placed in the office,
5 and that's why it's useful?

6 A It's past recollection recorded. It's more
7 reliable than my recollection of what happened two
8 years ago.

9 Q Do you have any reason to believe, as you
10 sit here today, that that was the purpose for keeping
11 this log?

12 A I don't know what directives were given to
13 the people who sat outside the office. Since they
14 kept the log, I have no belief that it's the ordinary
15 practice for the Secret Service when posting under
16 circumstances like that, they keep a log or someone
17 told them to keep a log. But I really didn't inquire
18 about why the log was maintained by the
19 Secret Service when I learned about it.

20 Q And just to be clear on the last point,
21 you're glad it was because it enables us to know
22 today with some certainty within that period of time

1 who may or may not have gone in. Have I got it
2 right?

3 A That whatever is contained on that log is
4 probably accurate, more accurate or more reliable
5 than what people might recall, but I don't know
6 whether it was all-inclusive. I don't know the
7 circumstances, but the person who kept a log looking
8 at it, talking about it, under what circumstances he
9 or she kept a log probably would be a lot more
10 reliable than someone like me struggling to remember
11 these events.

12 Q I think I may very well be finished. Let
13 me ask you a couple of sort of I hope all-inclusive
14 type questions.

15 A Sure.

16 Q On the general topic of whether or not
17 anyone ever entered Mr. Foster's office after the
18 time of his death up to and including the time that
19 all of Mr. Foster's documents may have been removed
20 in that office, do you have any information about
21 that topic that we have not discussed here today?

22 A I do not.

1 Q And I've tried, and I hope I've succeeded
2 to ask you questions that include any basis of
3 knowledge, including conversations you may have had
4 with anyone -- we, from time to time, excluded
5 newspaper reports. Having reminded you of that, you
6 don't know of anything we've talked about here today
7 about the contents of Mr. Foster's office; is that
8 correct?

9 A No, that's correct.

10 MR. JOHNSON: Thank you very much for your
11 patience. Mr. Ben-Veniste, I'm certain, will have
12 some questions and at the end I'll come back and
13 observe the obvious about confidentiality, but thank
14 you for your patience.

15 MR. BEN-VENISTE: Off the record.

16 (Discussion off the record.)

17 EXAMINATION

18 BY MR. BEN-VENISTE:

19 Q Mr. Noble, my name is Richard Ben-Veniste
20 and I am the chief counsel for the Democrats on this
21 Special Committee. We have not discussed any aspect
22 of this matter before; is that correct?

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1 A That's correct.

2 Q And let me see if I can summarize some of
3 the points flowing from your responses to
4 Mr. Johnson's question this morning. First of all,
5 with respect to the night of the Foster suicide, is
6 it fair to say that as a result of your friendship
7 with Maggie Williams, that you reached out by
8 attempting to contact her for purposes of consoling
9 her that evening?

10 A That's correct.

11 Q Is it fair to say that at some point she
12 must have gotten back to you and to let you know that
13 she was at home?

14 A That's correct.

15 Q Did you then go over to console her
16 personally?

17 A I did.

18 Q Was that on the basis of anything else
19 other than your friendship with Ms. Williams and your
20 knowledge of her close personal friendship with
21 Mr. Foster?

22 A It was not.

1 Q Did Ms. Williams state to you anything that
2 evening about any movement or review of documents in
3 Mr. Foster's office?

4 A She did not.

5 Q Just so the record is clear on this, I take
6 it that she did not suggest to you that anyone had
7 either removed or discussed removing any documents
8 from Mr. Foster's office?

9 A No, the topic did not come up.

10 Q You stated previously on the evening of the
11 20th, the date that Mr. Foster's body was found, it
12 did not enter your mind to suggest any security
13 precautions with respect to Vincent Foster's office;
14 is that correct?

15 A That's correct.

16 Q Is that because it was clear on the basis
17 of the information that you had received that
18 Mr. Foster's office could not be considered a crime
19 scenc?

20 A Correct.

21 Q Just to elaborate a moment on that, how
22 would you define a crime scene?

1 A Where a crime -- the location of a crime or
2 where there is reason to believe that the area in
3 question had some kind of connection with the crime
4 which has occurred.

5 Q So under the circumstances of the
6 investigation of what was being recorded as a
7 probable suicide on the 20th, the so-called scene,
8 assuming we even use crime scene for a questionable
9 death, would have been Fort Marcy Park where
10 Mr. Foster's body was discovered?

11 A That's correct.

12 Q In response to Mr. Johnson's questions, is
13 it correct that you have stated that you did not know
14 of any request made by the Park Police to secure
15 Mr. Foster's office on the day of the suicide?

16 A That's correct.

17 Q You have outlined, I believe, what would
18 have been the procedure had the Park Police wished to
19 set up any sort of security procedure regarding
20 access to Mr. Foster's office?

21 A That's correct.

22 Q And again --

1 MR. JOHNSON: Richard, I'll quarrel. I
2 don't mean to impede you. I'm not sure exactly
3 that's what he outlined. My question was what would
4 have happened if they had contacted the police and
5 did not intend to ask what should they have done. So
6 with that distinction, if it is one, I offer that
7 clarification.

8 MR. BEN-VENISTE:

9 Q Is there a way that outside agencies make
10 requests of the Secret Service involving the White
11 House?

12 A Yes.

13 Q And at what level would such a request have
14 to be made, according to your understanding of the
15 appropriate procedures?

16 A If the request was something that had no
17 impact on the functioning of the White House or the
18 White House chief of staff's view of a function in
19 the White House, it could be handled at mid-level
20 ranks within the Secret Service. An issue of access
21 to the office of the White House counsel is something
22 that the Secret Service doesn't control, except to

1 say it controls access to the White House complex.

2 Since you have to have a reason for gaining
3 access to the White House complex, and that reason is
4 to have been invited by some person within the White
5 House staff, this request would have come to the
6 Secret Service for an opportunity to gain access to
7 the White House complex. Presumably, they would have
8 articulated a reason of being able to examine White
9 House counsel's office.

10 Something that serious, I would have been
11 notified about, and we would have analyzed between
12 ourselves, that is the Secret Service and the office
13 of enforcement, gone on to the White House counsel or
14 the chief of staff, advised them of the request and
15 from our sense, from a law enforcement perspective
16 about the merits of the request and then do whatever
17 the White House counsel and/or chief of staff
18 requested that we do.

19 Q Let me back up one step and rather than
20 discuss the appropriate procedure for a request by
21 the Park Police to gain access to the office, I was
22 attempting to focus on whether the Park Police had

1 made a suggestion to secure the office or to monitor
2 access to the office. How would such a request have
3 been made appropriately at that time?

4 A They would have requested -- there is no
5 procedure for that, which I'm aware, presumably
6 because they have close relations with the
7 Secret Service. Instead of contacting the White
8 House, they could have contacted the Secret Service,
9 but I see them as contacting whoever they wish to
10 contact, chief of staff, White House or the
11 Secret Service for assistance.

12 And if it was their asking us to secure the
13 office without the approval or consent or agreement
14 of White House counsel and the chief of staff, there
15 would had to have been a law enforcement, a criminal
16 basis, if you will, for that, that would involve the
17 Justice Department, have gotten the Office of Legal
18 Counsel, the main Justice, I'm not sure that I'm
19 helping you.

20 Q Take out of the equation a refusal by the
21 White House to accede to such a request, but from a
22 standpoint of a request, in processing that request,

1 would it have to have been made at some reasonably at
2 least middle level --

3 A For this? Yes.

4 Q -- for such a thing to have occurred?

5 A Wherever it started, the request would have
6 gotten to the director of the Secret Service, so
7 whoever they called, they might have known someone.
8 They might have a liaison relationship with someone
9 in the Secret Service, but eventually, it would have
10 gone to the director of the Secret Service.

11 Q If I understand what you're saying is that
12 any such request by another agency, such as the Park
13 Police, would wind up at a high level between the
14 Park Police and the Secret Service to field that
15 request and then act on it?

16 A Yes.

17 Q To the best of your knowledge, was there
18 any such request made with respect to Mr. Foster's
19 office on or about the evening of Mr. Foster's
20 suicide?

21 A No, not that I'm aware of.

22 Q Now, in response to Mr. Johnson's questions

1 regarding Mr. Livingstone, there has been evidence
2 provided in the form of testimony by a Secret Service
3 uniformed employee to the effect that Craig
4 Livingstone, an employee of the White House, was seen
5 by this uniformed Secret Service employee on the
6 morning of July 21st, 1993 carrying a briefcase and
7 exiting the west wing of the White House in the
8 direction of the Old Executive Office Building.

9 I want to ask you very clearly and
10 specifically without funneling this through the prism
11 of any press reports, which I guess you're well aware
12 often are not completely accurate, whether any such
13 information came to your attention in July of 1993?

14 A No.

15 Q To the best of your knowledge, was any
16 report written about the observation of this
17 uniformed Secret Service employee?

18 A Not that I'm aware of.

19 Q On the area of your comment that you found
20 it difficult to understand how the Park Police could
21 have believed that they had the right or should have
22 had the right to enter Mr. Foster's office subsequent

1 to the discovery of his body in Fort Marcy Park,
2 could you elaborate somewhat on that in terms of the
3 difference between legal rights and what might be a
4 practical solution or a judgment call taking into
5 consideration what we'll, for want of a better term,
6 call political considerations.

7 A I think about the analogy when I, as a
8 prosecutor, would issue a subpoena to a target or
9 subject of an investigation versus executing a search
10 warrant. If I have no reason to believe that the
11 party that I'm subpoenaing won't comply or is
12 involved in some way in the focus of my investigation
13 and they won't provide me with the materials that I
14 wish, then I might move towards a search warrant.

15 If on the other hand, I simply want
16 assistance in my investigation, I would issue a grand
17 jury subpoena expecting they would comply with it, as
18 they are required to by the law. Here in this case
19 since the suicide occurred in a national park and
20 since there was no evidence of which I'm aware that
21 there was any evidence of criminal activity at Vince
22 Foster's office or was Vince Foster's office the

1 scene of any crime, Park Police could have simply
2 asked White House counsel to conduct a search of the
3 office, White House counsel to conduct a search and
4 if they find any evidence relevant to the cause of
5 Vince Foster's death, that they please provide it to
6 the Park Police or that the Park Police be permitted
7 itself to look through the office at the
8 convenience -- mutually convenient time. So that
9 sort of scenario is the way I saw it.

10 Q If you looked at it from a standpoint of
11 gradations of law enforcement action, the most
12 onerous of those would be the obtaining of a search
13 warrant, if that were appropriate. The next would be
14 the issuance of a subpoena --

15 A Forthwith grand jury.

16 Q A grand jury subpoena or some
17 administrative subpoena?

18 A Right.

19 Q And the third would be simply to work
20 things out from the standpoint of gaining access and
21 requesting to see materials?

22 A Right.

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1 Q From the standpoint of access to materials
2 that they wished to see, do you have any reason to
3 believe that the Park Police did not see anything
4 that they wished to see?

5 MR. JOHNSON: Are you excluding press
6 reports? He said they expressed frustration.

7 BY MR. BEN-VENISTE:

8 Q They expressed frustration about the
9 procedures. I'm asking if you have any reason to
10 believe at the end of the day regarding this
11 investigation, the Park Police did not see anything
12 that they wanted to see?

13 A I do not.

14 Q With respect to your own evaluation on the
15 basis of your own experience in law enforcement for
16 many, many years and your expertise in the laws of
17 evidence, do you regard it as an easy question or
18 difficult question as to whether law enforcement
19 officers in the context of investigating a suicide,
20 put aside whether it's a lawyer for the President of
21 the United States, would have access to the files in
22 the lawyer's office?

1 A It's an easy question.

2 Q What would your answer be?

3 A Not without the lawyer's approval.

4 Q The lawyer under the scenario is the one
5 who is the suicide. So under those circumstances?

6 A Whoever has care and custody and control of
7 the office would have to approve and acquiesce to
8 whatever level of search or examination that's
9 requested keeping in mind various privileges that
10 might be put at risk by permitting an unfettered
11 search or the examination of the contents of an
12 office.

13 Q For whose benefit are such rules of law
14 applicable?

15 MR. JOHNSON: What rule of law?

16 BY MR. BEN-VENISTE:

17 Q With respect to the question of the right
18 to search a lawyer's office, under the circumstances
19 I've indicated.

20 A I believe for the client's benefit, for our
21 system of justice's benefit, in this case, also for
22 the Executive Branch's benefit.

1 Q If I understand your testimony, it seemed
2 apparent to you that the reason why the Park Police
3 would want a review of the contents of Mr. Foster's
4 office would be to determine whether there was any
5 evidence suggesting motivation for suicide or any
6 related type of materials?

7 A Yes.

8 MR. JOHNSON: Let me just say that I'm not
9 sure I understand the question. You're asking
10 Mr. Noble why the Park Police wanted to look in
11 Mr. Foster's office?

12 MR. BEN-VENISTE: Yes, on the basis of his
13 supposition, given his law enforcement background.

14 MR. JOHNSON: His opinion of why they might
15 have wanted to look into his office.

16 MR. BEN-VENISTE: Sure.

17 MR. JOHNSON: Because he's testified he
18 didn't converse with them.

19 MR. BEN-VENISTE: I remember that.

20 THE WITNESS: My belief is that if a
21 suicide occurred, that oftentimes people leave
22 suicide notes and that such a note might be found in

1 someone's office or someone's home or someone's
2 vehicle. And for that reason, you would want someone
3 to look in those places to determine whether such a
4 note exists.

5 BY MR. BEN-VENISTE:

6 Q So if, in fact, the White House had not
7 been cooperative under these circumstances or if, in
8 fact, the partners of a lawyer who had committed
9 suicide, putting aside the White House context here,
10 were not going to be cooperative with law enforcement
11 police officials in a normal situation investigating
12 a suicide, and they wished to get a subpoena, in your
13 view, what would be the proper scope of such a
14 subpoena?

15 A It seems to me any evidence relevant to the
16 death of Vince Foster are all-inclusive in the four
17 corners of such a subpoena request.

18 Q Would that basically focus on motivations
19 for committing suicide?

20 MR. JOHNSON: Would what?

21 MR. BEN-VENISTE: The scope of such a
22 subpoena.

1 THE WITNESS: That would be included, but
2 for example, if there were bullets there, gun case,
3 other evidence showing that the weapon that was found
4 at the suicide was Vince Foster's weapon, that would
5 have been an addition to motivation. So any evidence
6 relating to his death would be included in such a
7 subpoena, I would guess.

8 BY MR. BEN-VENISTE:

9 Q Could there be in your view any appropriate
10 subpoena issued -- when I say "appropriate," I mean
11 from the standpoint of breadth -- that would simply
12 include every document in the lawyer's office,
13 produce every document?

14 A I would produce every document -- just
15 produce every document, not saying or relating to the
16 death? I think that would be too broad.

17 MR. MC NAMARA: Richard, can I ask a
18 question? The undersecretary needs to leave about
19 11:30. I'm wondering if you'll have enough time to
20 complete questioning.

21 MR. BEN-VENISTE: I'm almost finished. Off
22 the record.

1 (Discussion off the record.)

2 BY MR. BEN-VENISTE:

3 Q Let me finish up by asking you, Mr. Noble,
4 whether despite the fact that you, in your analysis
5 of the legal rights involved and the obligations of
6 lawyers to protect the confidences of their clients
7 might have counseled a more practical resolution to
8 the question of the Park Police's interest in
9 reviewing the documents in the office in the first
10 instance personally?

11 A I would have counseled White House counsel
12 to have been 100 percent cooperative from the eyes of
13 the Park Police. I would have had them sit down
14 beforehand, get a sense from the Park Police what
15 they wanted to do, have White House counsel share the
16 concerns with White House counsel, Executive Branch,
17 attorney-client issues and before the search began,
18 receive agreement from the Park Police that they
19 would be 100 percent happy with the process. If not,
20 I would have worked until they were 100 percent happy
21 with the process for strategic reasons, not legal
22 reasons.

1 Q And those reasons were to avoid just the
2 type of problem that has occurred when the Park
3 Police believed that they were not being treated as
4 professionally and courteously as they would have
5 hoped to have been treated?

6 A Precisely. If the police come to you or
7 even arguably they might have the right for a search
8 warrant and they ask you to be cooperative and in the
9 process, you're perceived not to be cooperative, you
10 create the risk that they might shift you from a
11 person who is a disinterested party to maybe someone
12 who's an interested party in a pejorative sense of
13 the word and therefore, I would want to avoid such an
14 outcome.

15 Q And recognizing that you had no direct
16 involvement or personal knowledge of these issues,
17 but again, since you happen to be in the room and you
18 are an extremely valuable resource in terms of your
19 expertise and experience in law enforcement matters,
20 let me put as a final question to you, in your view,
21 had Mr. Nussbaum focused more on the practical
22 realities of the perception of what he was doing

1 rather than his legal obligations from a technical
2 standpoint to his client, the President of the United
3 States, you feel that this aspect of the
4 investigation into the Foster papers wouldn't have
5 assumed anything like the proportions it has now
6 assumed?

7 A No. I believe I'm not experienced in civil
8 practice. I'm only experienced in criminal
9 practice. And it seems to me that criminal
10 practitioners tend to be a lot more accommodating
11 than a lot of civil practitioners based on what I'm
12 told. It is information and belief that I have
13 formed this opinion so I believe if he had been
14 forthcoming and preserved the privileges that I've
15 articulated, we would not have had the attention that
16 has since come about. That's my speculation on the
17 issue.

18 MR. BEN-VENISTE: I have nothing further.

19 MR. JOHNSON: Mr. Ben-Veniste, you've asked
20 Mr. Noble about his expertise and I'm grateful for it
21 as well. Could I be permitted the courtesy of two
22 follow-up questions?

1 MR. BEN-VENISTE: I did want to make sure
2 that you understood that these hearings will likely
3 occur between the 18th of July and the end of the
4 month.

5 THE WITNESS: I can't imagine being a
6 witness at these hearings, but I'm happy to know that
7 I was speaking to your colleague earlier that the
8 Waco hearings were originally scheduled to begin the
9 12th. We're told -- it's not been documented -- to
10 begin on the 18th of July as well. So if my
11 prediction is wrong and I am a witness, then I would
12 just ask that you -- I'm sure that won't be a problem
13 to have some kind of accommodation if that's
14 possible.

15 MR. JOHNSON: Sure. I promise to be just
16 very brief but I, too, would like to tap some of your
17 experience.

18 EXAMINATION

19 BY MR. JOHNSON:

20 Q Mr. Ben-Veniste asked you a lot of
21 questions about police protocols and you talked a
22 fair amount about search warrants and subpoenas and

1 other kinds of document reviews. On the evening of
2 July 20th, to the best of your knowledge, based on
3 everything you had been told, had the Park Police
4 finally concluded that Mr. Foster's death was a
5 suicide?

6 A What was told me was that he had killed
7 himself.

8 Q You don't remember hearing the phrase
9 apparent suicide or any phrase like that?

10 A I don't recall any phrase. I just know
11 that the impression I had was that it was a suicide.

12 Q In your experience in law enforcement, when
13 police come across a body, let me use the phrase
14 apparent suicide or suicide, do they also investigate
15 the possibility at least preliminarily that the death
16 is something other than a suicide?

17 A Seems to me they ought to.

18 Q In your experience, they shouldn't limit
19 their inquiry in looking at documents for a suicide
20 note, they might want to review something that might
21 shed some light that the death was something other
22 than a suicide; is that right?

1 A I think it's fair to say that you have to
2 think about what your options are. And if you don't
3 have the option of getting a search warrant, then you
4 should try to get as much as you can through the
5 cooperative efforts of the --

6 Q I'm not really talking about how to get
7 it. I'm talking about what it is you as a law
8 enforcement officer might want to get. And I'm just
9 assuming -- tell me if you have a different
10 opinion -- that they might have an interest broader,
11 tell me if there's a suicide note in there and they
12 might want to look at something that they have
13 observed, that there's something other than a
14 suicide. Is that a fair assumption or do you
15 disagree with that?

16 A Information related to his death of how he
17 died would be the hook, if you will, for the
18 examination of whatever they examined. I didn't mean
19 to circumscribe it so narrowly as relating to a
20 suicide but related to his death and how he died.

21 MR. JOHNSON: Thank you very much for your
22 time. I think we're complete, Richard, and unless --

1 Richard, do you have anything further?

2 MR. BEN-VENISTE: No.

3 MR. JOHNSON: Secretary Noble, thank you
4 for your time and cooperation. Let me conclude by
5 stating the obvious confidentiality of this
6 proceeding is extremely important to the Committee
7 and the Committee's staff so we would be grateful, as
8 I know you won't, if you didn't discuss this with
9 anyone.

10 THE WITNESS: Fine. Other than the fact
11 that people know that I've been deposed, but you're
12 talking about the content of it.

13 MR. JOHNSON: The content, yes.

14 THE WITNESS: Fine.

15 (Whereupon, at 11:31 a.m., the deposition
16 was concluded.)

17 -----
18
19 RONALD K. NOBLE
20
21
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CERTIFICATE OF NOTARY PUBLIC & REPORTER

I, JULIE BAKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

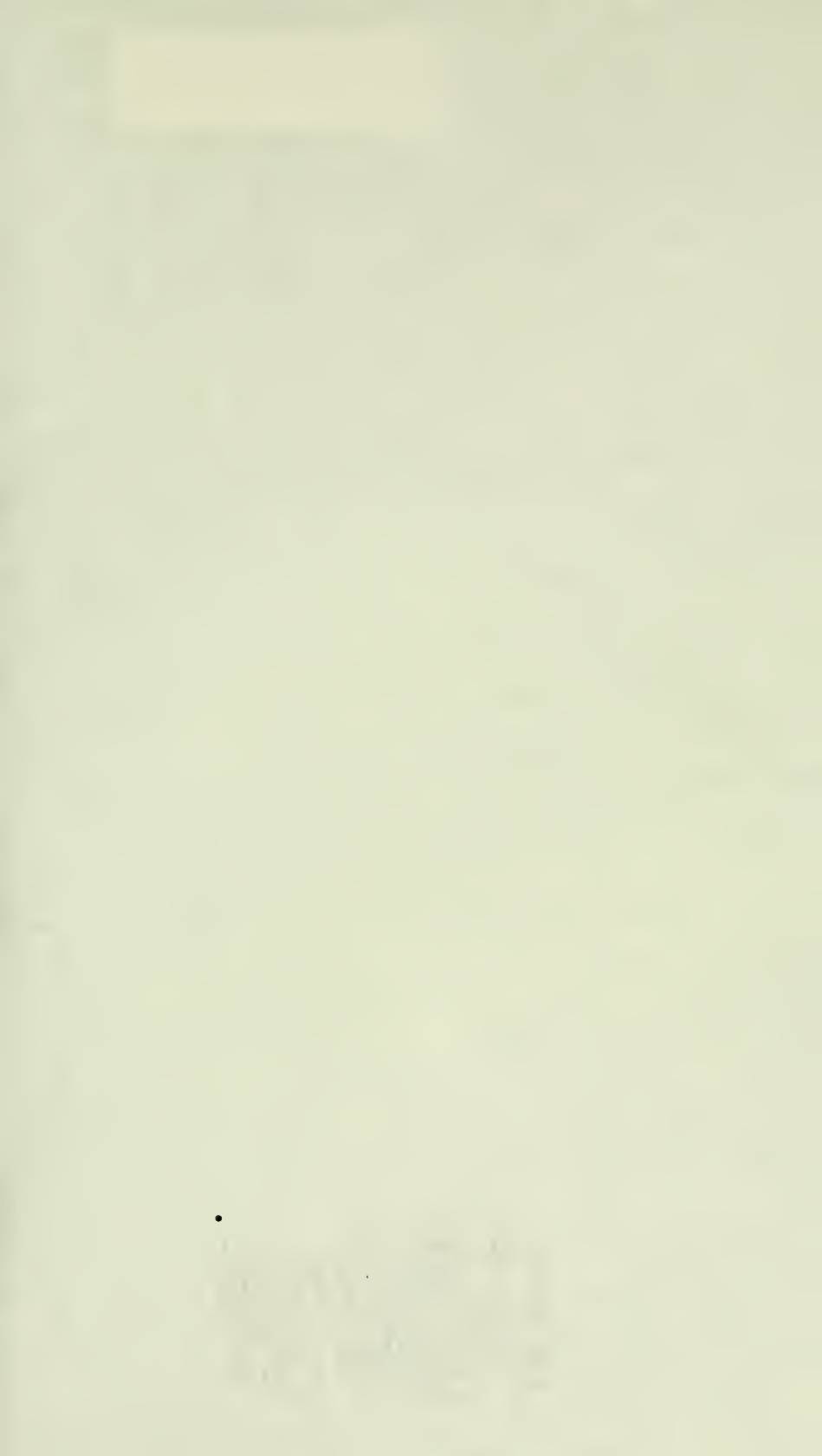


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